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# **Chestnuthill Township**

Monroe County, Pennsylvania

## **Zoning Ordinance Compilation**

2002

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Note: This document is a compilation of the following:

1. Ordinance No. 00-03, adopted on September 26, 2000 as Chapter 119 of the Codified Ordinances of Chestnuthill Township.
2. Ordinance No. 02-02, adopted October 24, 2002, with eleven items addressing amendments related to conservation subdivision.

This compilation has not been adopted as a whole by the Township Board of Supervisors and does not supersede the underlying ordinances cited above. The provisions of the underlying ordinances remain in full force and effect and shall apply to the extent that the provisions of same have not been changed by any subsequent amendment.

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## **USING THIS ORDINANCE: AN OVERVIEW**

These two pages describe the most efficient way to use this Ordinance. These pages are general descriptions but are not part of the actual Ordinance.

Start by using the following parts of the Zoning Ordinance:

- Please contact the Zoning Officer to make sure you have the latest version of the Zoning Ordinance Text and Map.
- Turn to the **Table of Contents** and the **Index** (at the end of the document) to find the pages and sections that apply to your particular situation. You may wish to photocopy the Table of Contents to highlight the relevant sections.
- Consult the **Zoning Map** at the end of this Zoning Ordinance to determine the zoning district that includes your lot.
- Turn to Section 306, the **Table of Permitted Uses By Zoning District**, which indicates the uses permitted in each zoning district. A use is permitted in three ways:
  - a) by right,
  - b) by special exception (the Zoning Hearing Board must approve the use, as described in Section 116), or
  - c) as a conditional use (the Board of Supervisors must approve the use, as described in Section 117).
- Turn to Section 307, the **Table of Lot and Setback Requirements By Zoning District**. This table states the required minimum size of each lot and the required minimum distance that buildings must be from streets and other lot lines in each zoning district.
- Regularly refer to the **Definitions** in Section 202 to determine the meaning of specific words.

If a lot is already being legally used for a particular purpose and that use is not permitted in the zoning district according to Section 306, that use is called a "**Non-Conforming Use**". In almost all cases, a lawful Non-Conforming Use can continue, can expand within limits, can change to another use within limits, and can be sold. See Section 806 - "Non-Conformities."

Certain specific uses must comply with **additional regulations**. The "principal uses" (which are the primary use of a property) are listed in alphabetical order in Section 402 and the "accessory uses" (which are secondary uses, such as low-intensity businesses in a home) are listed in alphabetical order in Section 403. For example, additional regulations are listed for

sheds, garages and other structures typically found on a residential lot under "Residential Accessory Structures" in Section 403.

If your lot may be flood-prone, see the Township Floodplain Ordinance and Floodplain Mapping.

Turn to the following sections for regulations concerning parking, signs and buffer yards:

- Many uses must provide minimum numbers of off-street **Parking** spaces under Section 601 of this ordinance. The parking standards are listed in a table.
- If **Signs** are proposed within public view, Article 7 must be met. This article lists the types, heights and sizes of signs that are permitted.
- Certain uses are required to provide an open **Buffer Yard** with **Evergreen Screening** to buffer nearby homes and adjacent residentially zoned land from nuisances. See Section 803.

The following additional considerations should be kept in mind when using this Ordinance:

- An applicant may apply to the Township **Zoning Hearing Board** for a **Zoning Variance** if he/she is not able to comply with a provision of this Zoning Ordinance. An application fee is required to compensate the Township for legal advertisements and other costs. See Section 111, which includes the standards that must be met under State law in order to be granted a variance. Generally, under the PA. Municipalities Planning Code, variances are not permitted unless an applicant proves a legal "Hardship".
- Generally, if one or more new lots will be created, or existing lot lines will be altered, or one or more new principal non-residential buildings are proposed, then the requirements and approval procedures of the Township **Subdivision and Land Development Ordinance** will also apply. This is a separate ordinance available at the Township Office.
- If there will be significant disturbance of the ground, it will be necessary to use certain measures to control **soil erosion**. In such case, contact the Monroe County Conservation District.
- If there will be impacts upon stormwater runoff, see the Township Stormwater Management Ordinance.

Any questions concerning the Zoning Ordinance should be directed to the Township's **Zoning Officer**. The Zoning Officer also administers applications for permits.

# ARTICLE 1

## ADMINISTRATION

101. **APPLICABILITY OF THIS ORDINANCE.** This Zoning Ordinance shall apply throughout the Township of Chestnuthill. Any activity regulated by this Ordinance shall only occur in such a way that conforms with the regulations of this Ordinance. See Section 103.A.
102. **PURPOSES AND COMMUNITY DEVELOPMENT OBJECTIVES.** This Ordinance is hereby adopted:
- 102.A. in accordance with the requirements and purposes (including Sections 604 and 605 or their successor section(s), which are included by reference) of the Pennsylvania Municipalities Planning Code, as amended,
  - 102.B. in accordance with goals and objectives of the Chestnuthill Township Comprehensive Plan and the Monroe 2020 Comprehensive Plan, particularly considering the goals and objectives of the Pleasant Valley Task Force; and
  - 102.C. to carry out the following major objectives:
    - 1. to make sure that development carefully relates to natural features, and to avoid overly intense development of environmentally sensitive land,
    - 2. to minimize disturbance of creek valleys and steep woodlands,
    - 3. to avoid overextending groundwater supplies, and to encourage groundwater recharge,
    - 4. to protect the quality of groundwater and surface waters,
    - 5. to encourage the continuation of farming,
    - 6. to promote compatibility between land uses,
    - 7. to seek coordinated development and roads across municipal borders,
    - 8. to provide for a variety of residential densities and meet legal obligations to provide opportunities for all housing types,
    - 9. to promote development that retains the rural character of the Township,
    - 10. to encourage rehabilitation and avoid demolition of historic buildings,
    - 11. to direct higher density development to areas that are physically suitable, accessible by major roads and that have the potential of central water and sewage services,
    - 12. to coordinate development with future central water and sewage service areas,
    - 13. to direct industrial development to locations that will minimize conflicts with homes,
    - 14. to direct commercial businesses to existing commercial areas, while avoiding new strip commercial areas that would cause traffic congestion and safety problems and conflicts with homes, and
    - 15. to promote new commercial and industrial development in appropriate areas that will provide additional tax revenue and job opportunities.
103. **PERMITS AND CERTIFICATES.**
- 103.A. **Applicability.**
    - 1. Any of the following activities or any other activity regulated by this Ordinance shall only be carried out in conformity with this Ordinance.
      - a. Erection, construction, movement, placement or extension of a structure, building or sign,
      - b. Change of the type of use or expansion of the use of a structure or area of land,
      - c. Creation of a lot or alteration of lot lines, and/or
      - d. Creation of a new use.
    - 2. **Zoning Permit.** A Zoning Permit indicates that a zoning application complies with this Ordinance to the best knowledge of the applicable Township Staff.
      - a. A Zoning Permit is required to be issued prior to the start of any of the following activities:
        - 1) Erection, construction, movement, placement or expansion of a structure, building or sign,
        - 2) Change of the type of use or expansion of the use of a structure or area of land,

- 3) Creation of a new use, and/or
- 4) Demolition of a building.
- b. The Township may, at its option, issue combined or separate Building Permits and Zoning Permits and/or may utilize a single or separate applications for the permits.

3. Certificate of Use and Occupancy.

- a. It shall be unlawful to use and/or occupy any new principal building or establish any new or replacement principal non-residential use until a certificate of use and occupancy for such building or use has been issued by the Township Staff.
- b. The Township Staff may permit the Zoning Permit application to serve as the application for the Certificate of Use and Occupancy.
- c. The Certificate of Use and Occupancy shall only be issued by the Zoning Officer if the Zoning Officer determines that the activity complies with this Ordinance, to the best knowledge of the Zoning Officer. The Township may also withhold issuance of the Certificate until there is compliance with other Township ordinances.
- d. The applicant shall keep a copy of the Certificate of Use and Occupancy available for inspection.
- e. Upon the request of an applicant, the Zoning Officer may issue a temporary Certificate of Use and Occupancy. Such temporary Certificate may permit an activity to occur in all or part of a structure before the entire work covered by the Permit has been completed.
  - (1) However, such temporary Certificate shall only be issued if the applicant proves to the Zoning Officer that the activity or occupancy can occur safely without endangering public health or safety.
  - (2) The temporary Certificate shall establish in writing a maximum time period under which it is valid. A 6 month maximum time period shall apply if not otherwise specified.
  - (3) Failure to receive a permanent Certificate of Use and Occupancy within such time period shall be a violation of this Ordinance.
  - (4) The temporary Certificate may be conditioned upon compliance with certain specific requirements within certain time periods.
  - (5) See also Section 103.G.

103.B. Repairs and Maintenance. Ordinary repairs and maintenance to existing structures shall not by itself be regulated by this Ordinance. Examples of such work include replacement of a roof or porch that does not involve enclosure of space. (However, a Construction Permit under any Township Building Code may be needed for such work.)

103.C. Types of Uses.

1. Permitted by Right Uses. The Zoning Officer shall issue a permit under this Ordinance in response to an application for a use that is "permitted by right" if it meets all of the requirements of this Ordinance.
2. Special Exception Use or Application Requiring a Variance. A permit under this Ordinance for a use requiring a Special Exception or Variance shall be issued by the Zoning Officer only in response to a written approval by the Zoning Hearing Board following a hearing.
3. Conditional Use. A use requiring zoning approval by the Board of Supervisors under Section 117.

103.D. Applications.

1. Submittal. All applications for a Zoning Permit or a decision by the Zoning Hearing Board shall be made in writing on a form provided by the Township. Such completed application, with required fees, shall be submitted to a designated Township staff-person.
2. Site Plan. The applicant shall submit a minimum of 2 copies of a site plan with the application if the application involves a new principal building, expansion of a principal building or addition of 3 or more parking spaces. The site plan shall be drawn to scale and show the following:



- a. locations, dimensions and uses of existing and proposed structures, parking and loading areas, and locations of existing and proposed uses of areas of land, with existing features clearly distinguished from proposed features,
  - b. notes showing the dimensions of all buildings from lot lines and street rights-of-way,
  - c. locations of any watercourses and any 100 year floodplain,
  - d. proposed lot areas, lot widths and other applicable dimensional requirements,
  - e. locations and widths of existing and proposed sidewalks, and
  - f. well and primary and alternate septic system locations. See Section 309.
3. Additional Information. Any application under this Ordinance shall include the following information, unless the Zoning Officer determines such information is unnecessary to determine compliance with this Ordinance:
  - a. the address of the lot,
  - b. name and address of the applicant, and of the owner of the property if different from the applicant,
  - c. a description of the proposed use of the property,
  - d. all other applicable information listed on the official Township application form,
  - e. if the applicant is incorporated, the legal names and day telephone numbers of officers of the organization/corporation, and
  - f. such additional information that the Zoning Officer may determine is reasonably necessary to determine compliance with this Ordinance.
4. Submittals to the Board. In addition to the information listed in part "3." above, an application requiring a site plan and action by the Zoning Hearing Board shall also include the following information, unless the Zoning Officer determines that such information is unnecessary to determine compliance with this Ordinance:
  - a. the present zoning district and major applicable lot requirements,
  - b. for a non-residential use:
    - (1) a description of the proposed non-residential operations and storage in sufficient detail to indicate potential nuisances and hazards regarding noise, large truck traffic, glare, odors, dust, fire or toxic or explosive hazards or other significant public health and safety hazards,
    - (2) a list of the maximum hours of operation,
  - c. the existing directions of stormwater flow (and any proposed revisions), and any proposed methods of stormwater management,
  - d. a listing of any sections of this Ordinance being appealed, with the reasons for any appeal,
  - e. approximate locations of principal buildings and locations of streets and alleys and zoning district boundaries within 100 feet of the boundaries of the tract, and description of uses of adjoining properties (such as "drug store" or "single family detached dwelling"),
  - f. heights, locations, methods of illumination and intensity of exterior lighting and sign lighting,
  - g. name and address of person who prepared the site plan,
  - h. signed acknowledgement of the site plan by the applicant, and
  - i. such additional information required under applicable sections of this Ordinance.
5. Ownership. No person other than a landowner or their specifically authorized agent or a tenant or lessee with written permission of the landowner shall submit a zoning application (see definition of "landowner" in Article 2).

103.E. Issuance of Permits.

1. At least 1 copy of each permit application and any other zoning approval shall be retained in Township files.
2. PennDOT Permit. Where necessary for access onto a State road, a Township zoning or building permit shall be automatically conditioned upon issuance of a PennDOT Highway Occupancy Permit.

103.F. Revocation of Permits; Appeal of Permit or Approval.

1. Revocation. The Zoning Officer shall revoke, withhold or suspend a permit or approval issued under the provisions of the Zoning Ordinance in case of one or more of the following:
  - a. any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based; (Note: The Pennsylvania Criminal Code provides for penalties for providing false information to a municipal employee in the carrying out of his/her duties.)
  - b. upon violation of any condition lawfully imposed by the Zoning Hearing Board upon a special exception use or variance;
  - c. any work being accomplished or use of land or structures in such a way that does not comply with this Ordinance or an approved site plan or approved permit application; and/or
  - d. for any other just cause set forth in this Ordinance.
2. Appeals. A party with legitimate standing, or as otherwise provided by State law, may appeal decisions under this Ordinance within the provisions of the State Municipalities Planning Code. Any such appeal shall occur within the time period established in the State Municipalities Planning Code (As of the adoption date of this Ordinance, such provisions were in Sections 914.1 and 1002.A.).

103.G. Zoning Permit for Temporary Uses and Structures.

1. A Zoning Permit for a temporary use or structure may be issued by the Zoning Officer for any of the following:
  - a. A Temporary Permit may be issued for customary, routine and accessory short-term special events, provided that:
    - (1) only a well-established nonprofit organization or a permitted place of worship proposing a temporary use to clearly primarily serve a charitable, public service or religious purpose shall be eligible to receive approval for commercial-type activities in a district where a commercial use would not otherwise be permitted,
    - (2) such total events shall be limited to a maximum of 45 days for Christmas Tree Sales and 12 total days per calendar year for all other activities, and
    - (3) the applicant shall prove to the Zoning Officer that sufficient parking and traffic control will be available for the special event, without obstructing parking that is required to serve other uses on the site.
  - b. A Temporary Permit may be issued for temporary storage and office trailers that are necessary to serve on-site construction, while such construction is actively underway under a valid Township permit.
  - c. A Temporary Permit may be issued for such other activities that the applicant proves to the Zoning Officer are clearly routine, customary, temporary and not in conflict with existing uses within the vicinity.
2. Time Period. The Zoning Officer shall state a reasonable maximum time period on the temporary permit. If no time limit is stated, then a 7 day maximum period shall apply. A temporary permit may be renewed for just cause.
3. Temporary Retail Sales. Except as provided for in subsection 103.G.1.a.(1) above, and except for agricultural sales allowed by Section 306, a lot shall only be used for temporary retail sales if all of the following conditions are met:
  - a. The property is located within a zoning district that allows retail sales.
  - b. The operator shall have received any business permits required by the Township.
  - c. No off-street parking spaces shall be obstructed that are required to serve permanent uses on the lot.
  - d. Any signs visible from a public street shall comply with this Ordinance.
  - e. If food or beverages are sold that are not pre-packaged, the applicant shall prove compliance with State health regulations, including having on-site facilities for workers to wash their

- hands. Proper bathroom facilities shall also be available for workers.
- f. Any structure shall meet applicable minimum setbacks.
- g. A permit under this Ordinance shall be required from the Township, which shall be displayed while the activity is open for business.
- h. The application may be rejected if the Zoning Officer has reason to believe that the activity would obstruct safe sight distances.

103.H. Compliance with Township Subdivision and Land Development Ordinance. If a application under this Ordinance would also be regulated by the Township Subdivision and Land Development Ordinance ("SALDO"), then any permit or approval under this Zoning Ordinance shall automatically be conditioned upon compliance with the SALDO. See the definitions of "Land Development" and "Subdivision" in the SALDO.

- 1. For example, if an applicant applies for a single family detached dwelling on a proposed new lot, the construction permit for such dwelling shall not be valid until after the lot is granted final subdivision approval and the lot is officially recorded by the County Recorder of Deeds.

#### 104. GENERAL PROCEDURE FOR PERMITS.

104.A. After receiving a proper application, the Zoning Officer shall either: 1) issue the applicable permit(s) or 2) deny the application(s) as submitted, indicating one or more reasons.

104.B. After the permit under this Ordinance has been issued, the applicant may undertake the action specified by the permit, in compliance with other Township Ordinances. However, it is recommended that applicants wait 30 days to begin construction if there is a possibility of an appeal by another party to have the permit revoked. Any commencement of construction or a use within this 30 day appeal period shall be at the risk of the applicant.

#### 105. INTERPRETATION AND USES NOT REGULATED.

105.A. Minimum Requirements. Where more than one provision of this Ordinance controls a particular matter, the provision that is more restrictive upon uses and structures shall apply. The provisions of this Ordinance are in addition to any other applicable Township Ordinance.

105.B. Uses Not Specifically Regulated. If a use clearly is not permitted by right, or as a special exception use by this Ordinance within any Zoning District, the use is prohibited, except that the Zoning Hearing Board may permit such use as a special exception use if the applicant specifically proves to the clear satisfaction of the Zoning Hearing Board that all of the following conditions would be met:

- 1. the proposed use would be less intensive in external impacts and nuisances than uses that are permitted in the District,
- 2. the proposed use would be closely similar in impacts and character to uses permitted in that District, considering the standards in Section 805.F.,
- 3. the use would meet the standards that would apply under Section 116.C. to a special exception use, and
- 4. the use is not specifically prohibited in that District.

105.C. Interpretation of Ordinance Text and Boundaries.

- 1. The Zoning Officer shall literally apply the wording of this Ordinance and the location of all District boundaries to particular applications. In any case, the Zoning Officer may also request an advisory opinion from the Township Solicitor or the Zoning Hearing Board Solicitor to aid in the Zoning Officer's determination.
- 2. If an applicant disagrees with the Zoning Officer's determination and believes that the Ordinance

should be interpreted in the applicant's favor, the applicant may appeal to the Zoning Hearing Board. See Section 111.

105.D. Undefined Terms/ Interpretation of Definitions. See Section 201.

105.E. Interpretation of Zoning Boundaries. See Section 304.

106. **ENFORCEMENT, VIOLATIONS AND PENALTIES.** All of the enforcement, violations and penalty provisions of the State Municipalities Planning Code, as amended, are hereby incorporated into this Ordinance by reference. (Note - As of the adoption date of this Ordinance, these provisions were primarily in Sections 616.1, 617 and 617.2 of such Act.)

106.A. Violations. Any person who shall commit or who shall permit any of the following actions violates this Ordinance:

1. Failure to secure a zoning permit prior to a change in use of land or structure, or the erection, construction or alteration of any structure or portion thereof, or the excavation of land to prepare for the erection, construction or alteration of any structure or portion thereof.
2. Placement of false statements on or omitting relevant information from an application for a zoning permit.
3. Undertaking any action in a manner which does not comply with a zoning permit.
4. Violation of any condition imposed by a decision of the Zoning Hearing Board in granting a variance or special exception or other approval.

106.B. Enforcement Notice. If the Township has reason to believe that a violation of a provision of the Zoning Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided in Section 616.1 of the State Municipalities Planning Code. Prior to sending an official enforcement notice, the Zoning Officer may at his/her option informally request compliance.

106.C. Time Limits. An official enforcement notice shall state the deadline to complete bringing the property into compliance with this Ordinance, and shall state that the applicant has 30 days from the receipt of the notice to appeal to the Zoning Hearing Board.

106.D. Causes of Action; Enforcement Remedies. The Causes of Action and Enforcement Remedies provisions of the State Municipalities Planning Code, as amended, are hereby incorporated by reference. (Note - As of the adoption date of this Ordinance, such provisions were in Section 617 of such law.)

1. Enforcement Action. If the enforcement notice is not complied with promptly, the Zoning Officer shall notify the Board of Supervisors. The Supervisors may request the Township Solicitor to institute in the name of the Township any appropriate action or proceeding at law or in equity to prevent, restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the structure, building, sign, landscaping or land in violation of the provisions of this chapter or the order or direction made pursuant thereto. The Board of Supervisors may also direct the Zoning Officer or Township Solicitor to institute a civil enforcement proceeding before a district justice.
3. Violations and Penalties. Any person who has violated or permitted the violation of the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars plus all court costs, including the reasonable attorney's fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless a District Justice determining that there has been a violation further determines that there was a good faith basis for the person violating this chapter to have believed that there was no such violation, in which event there shall be deemed

to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice, and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this chapter shall be paid over to the Township for the general use of the Township.

3. **Remedies.** In case any building, structure, sign or landscaping is erected, constructed, reconstructed, altered, repaired, converted or maintained; or any building, structure, sign or land is used; or any hedge, shrub, tree or other growth is maintained in violation of this chapter or of any of the regulations made pursuant thereto or any of the permits or certificates of use and occupancy issued under this chapter or any conditions imposed upon the grant of a special exception or variance by the Zoning Hearing Board or upon the grant of a conditional use, then, in addition to any other remedies provided by law, any appropriate action or proceeding may be instituted or taken to prevent or restrain such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use or to prevent any illegal act, conduct, business or use in and about such premises.

- 106.E. **Enforcement Evidence.** In any appeal of an enforcement notice to the Zoning Hearing Board, the Township shall have the responsibility of presenting its evidence first.

107. **FEES.** A Township fee schedule for permits and applications may be established and amended by written resolution of the Board of Supervisors. No application or appeal shall be considered filed until all fees are paid.

108. **AMENDMENTS TO THIS ORDINANCE.** Within the requirements of the State Municipalities Planning Code, the Board of Supervisors may amend, or repeal any or all portions of this Ordinance on 1) its own motion or 2) after agreeing to hear a written request of any person, entity, landowner or the Planning Commission.

109. **CURATIVE AMENDMENTS.** The applicable provisions of the State Municipalities Planning Code shall apply. (Note: As of the adoption date of this Ordinance, these provisions were primarily in Sections 609.1, 609.2 and 916.1 of such Act.)

#### 110. **ZONING OFFICER.**

- 110.A. **Appointment.** The Zoning Officer shall be appointed by the Board of Supervisors. The Zoning Officer may designate other Township Staff-persons to serve as Assistant Zoning Officer(s). Such designations may be subject to concurrence by the Board of Supervisors. Assistant Zoning Officers may serve with the same authority and duties as the Zoning Officer. The Zoning Officer shall not hold any elective office within the Township, but may hold other appointed offices.

- 110.B. **Duties and Powers.** The Zoning Officer's duties and powers shall include the following:

1. administer the Zoning Ordinance in accordance with its literal terms, including to receive and examine all applications required under the terms of this Ordinance, and issue or refuse permits within the provisions of this Ordinance;
2. conduct inspections to determine compliance, and receive complaints of violation of this Ordinance;
3. keep records of applications, permits, certificates, written decisions, and variances granted by the Board, and of enforcement orders, with all such records being the property of the Township and being available for public inspection;
4. review proposed subdivisions and land developments for compliance with this Ordinance; and
5. take enforcement actions as provided by the State Municipalities Planning Code, as amended.

#### 111. **ZONING HEARING BOARD ACTIONS AND VARIANCES.**

- 111.A. **Membership of Board.** The Zoning Hearing Board shall consist of 5 residents of the Township appointed by the Board of Supervisors. The existing terms of office shall continue, with terms of office being 5 years, and with the terms being so fixed that the term of office of one member shall expire each year. Members of the Board shall hold no other office in the Township.

1. Alternate Members. The Board of Supervisors may appoint alternate members of the Zoning Hearing Board within the applicable provisions of the State Municipalities Planning Code. (Note: As of the adoption date of this Ordinance, such provisions were in Section 903(b) of such Act).
- 111.B. Vacancies. Appointments to fill vacancies shall be only for the unexpired portion of a term.
- 111.C. Organization. The applicable provisions of the State Municipalities Planning Code, as amended shall apply. (As of the adoption date of this Ordinance, these provisions were in Sections 906(a), (b) and (c) of such Act).
- 111.D. Zoning Hearing Board Jurisdiction and Functions. The Zoning Hearing Board shall be responsible for the following:
  1. Appeal of a Decision by the Zoning Officer.
    - a. The Board shall hear and decide appeals where it is alleged by an affected person, entity or the Board of Supervisors that the Zoning Officer has improperly acted under the requirements and procedures of this Ordinance.
    - b. See time limitations for appeals in Section 111.F.
  2. Challenge to the Validity of the Ordinance or Map. The applicable provisions of the State Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, these provisions were primarily in Sections 909.1 and 916 of such Act).
  3. Variance.
    - a. The Board shall hear requests for variances filed with the Township Staff in writing.
    - b. Standards. The Board may grant a variance only within the limitations of State law.  
*(Note: As of the adoption date of this Ordinance, the Municipalities Planning Code provided that all of the following findings must be made, where relevant:*
      - i) *There are unique physical circumstances or conditions (including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property) and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located;*
      - ii) *Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and a variance is therefore necessary to enable the reasonable use of the property;*
      - iii) *Such unnecessary hardship has not been created by the appellant;*
      - iv) *The variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and*
      - v) *The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue. )*
    - c. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance.
  4. Special Exception.
    - a. The Board shall hear and decide requests for all special exceptions filed with the Township Staff in writing. The Board shall only permit a special exception that is authorized by this Ordinance. See Section 116.

- b. Conditions. In granting a special exception, the Zoning Hearing Board may attach such reasonable conditions and safeguards, in addition to those expressed in the Ordinance, as it may deem necessary to implement the purposes and intent of this Ordinance.
  5. Persons With Disabilities. After the Zoning Officer receives a complete written application, the Zoning Hearing Board shall grant a special exception allowing modifications to specific requirements of this Ordinance that the applicant proves to the satisfaction of the Zoning Hearing Board are required under applicable Federal law to provide a "reasonable accommodation" to serve persons who the applicant proves have "disabilities" as defined in and protected by such laws.
    - a. Such reasonable accommodations shall be requested in accordance with the U.S. Fair Housing Act Amendments and/or the Americans with Disabilities Act, as amended.
    - b. If the applicant is requesting a reasonable accommodation under the United States Fair Housing Amendments Act of 1988 or the Americans with Disabilities Act, the applicant shall identify the disability which is protected by such statutes, the extent of the modification of the provisions of this Ordinance necessary for a reasonable accommodation, and the manner by which the reasonable accommodation requested may be removed when such person(s) with a protected disability no longer will be present on the property.
    - c. Any modification approved under this Section may be limited to the time period during which the persons with disabilities occupy or utilize the premises.
  6. The Zoning Hearing Board shall also hear any other matters as set forth in the State Municipalities Planning Code, as amended. (Note: As of the adoption date of this Ordinance, such provisions were primarily within Section 909.1 of such law.)
  - 7.
- 111.E. Time Limits for Appeals. The applicable provisions of the State Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, these provisions were in Section 914.1 of such Act.)
- 111.F. Stay of Proceedings. The Stay of Proceedings provisions of the State Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, such provisions were in Section 915.1 of such Act.)
- 111.G. Time Limits on Permits and Approvals.
  1. After a variance is approved or other zoning approval is officially authorized, then any applicable zoning and building permits shall be secured by the applicant within 12 months after the date of such approval or authorization. The work authorized by such permits shall then be completed within 12 months after the issuance of the permits.
  2. Extension. In response to an applicant stating good cause in writing, the Zoning Officer may extend in writing the time limit for completion of work to a maximum total of 36 months after permits are issued.
  3. If an applicant fails to obtain the necessary permits or begin construction within the above time periods, or allows interruptions in substantial construction of longer than 12 months, the Zoning Officer may conclusively presume that the applicant has waived, withdrawn or abandoned approvals and permits under this Ordinance and may consider all such approvals and permits to have become null and void.
- 111.H. Multiple Applications. No more than one application for the same property shall be pending before the Zoning Hearing Board for special exception approval at any time.
112. **ZONING HEARING BOARD HEARINGS AND DECISIONS.** The following requirements shall apply to procedures, hearings and decisions of the Zoning Hearing Board.

112.A. Notice of Hearings. Notice of all hearings of the Board shall be given as follows:

1. Ad. Public notice shall be published, as defined by Section 107 of the State Municipalities Planning Code. The notice shall state the time and place of the hearing and the particular nature of the matter to be considered.
2. Posting. Notice of such hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing. The Township Staff shall post the property. It is the responsibility of the applicant to make sure that such notice remains posted until the hearing.
3. Persons Given Notice. The Township shall provide written notice to the Applicant of the time and place of the hearing. The Township should also provide notice to the Chairperson of the Board of Supervisors. In addition, the Township should provide notice to the last known principal owner of record of each property that is immediately adjacent to or immediately across a street from the subject property, however, failure to provide such notice shall not be grounds for an appeal. Also, such notice shall be given to any other person or group (including civic or community organizations) who has made a written timely request for such notice. Any such notices should be mailed or delivered to the last known address.

112.B. Initiation of Hearings. A hearing required under this Ordinance shall be initiated within 60 days of the date of an applicant's request for a hearing, unless the applicant has agreed in writing to an extension of time.

112.C. Decision/Findings.

1. The Board shall render a written decision on each application within 45 days after the last hearing on that application before the Board, unless the applicant has agreed in writing to an extension of time.
2. Where the application is contested or denied, the decision shall be accompanied by findings of fact and conclusions based thereon, together with the reasons for such conclusions.
3. References shall be provided to the most pertinent section(s) of this Ordinance and/or the State Municipalities Planning Code.

112.D. Notice of Decision. A copy of the final decision shall be delivered or mailed to the applicant or his/her representative or their last known address not later than the time limit established by the State Municipalities Planning Code, as amended. (Note: As of the adoption date of this Ordinance, such provisions were within Sections 908(9) and 908(10) of such Act, including provisions regarding notice to other parties).

112.E. State Law. See also Section 908 of the PA. Municipalities Planning Code.

113. **APPEALS TO COURT.** The provisions for appeals to court that are stated in the State Municipalities Planning Code, as amended, shall apply. (Note: As of the adoption date of this Ordinance, these provisions were in Sections 1001-A, 1002-A, 1003-A, 1004-A, 1005-A and 1006-A of such Act.)

114. **LIMITED PUBLIC UTILITY EXEMPTIONS.** See the provisions of the State Municipalities Planning Code, as amended. (Note: As of the adoption date of this Ordinance, such provisions were within Section 619 of such Act.)

115. **LIMITED TOWNSHIP AND MUNICIPAL AUTHORITY EXEMPTION.** The minimum lot area, minimum lot width and minimum street frontage requirements of this Ordinance shall not apply to uses or structures owned by Chestnuthill Township or by a municipal authority created solely by Chestnuthill Township for uses and structures that are intended for a public utility, stormwater or public health and safety purpose.



116. **SPECIAL EXCEPTION USE PROCESS.**

116.A. **Purpose.** The Special Exception Process is designed to allow careful review of uses that have some potential of conflicts with adjacent uses or areas.

116.B. **Special Exception Procedure.**

1. A Site Plan shall be submitted, which shall contain the information required in Section 103.D. If a fully engineered subdivision or land development plan will be required, it may be submitted separately, such as after a special exception is approved.
2. The Zoning Officer should provide a review to the Zoning Hearing Board regarding the compliance of the application with this Ordinance.
3. The Zoning Hearing Board shall follow the procedures provided in Section 112.
4. The Township Staff should offer a special exception application to the Township Planning Commission for any advisory review that the Commission may wish to provide. However, the Zoning Hearing Board shall meet the time limits of State law for a decision, regardless of whether the Township Planning Commission has provided comments.

116.C. **Consideration of Special Exception Applications.** When special exceptions are allowed by this Ordinance, the Zoning Hearing Board shall hear and decide requests for such special exceptions in accordance with standards established by this Ordinance, including the following:

1. **Compliance with this Ordinance.** The applicant shall establish by credible evidence that the application complies with all applicable requirements of this Ordinance. The applicant shall provide the Board with sufficient plans, studies or other data to demonstrate this compliance.
2. **Compliance with Other Laws.** The approval may be conditioned upon proof of compliance with other specific applicable township, state and federal laws, regulations and permits. Required permits or other proof of compliance may be required to be presented to the Township prior to the issuance of any zoning permit, building permit, certification of occupancy and/or recording of an approved plan.
3. **Traffic.** The applicant shall establish that the traffic from the proposed use will be accommodated in a safe and efficient manner that will minimize hazards and congestion, after considering any improvements proposed to be made by the applicant as a condition on approval.
4. **Site Planning.** The application shall include proper site layout, internal circulation, parking, buffering, and all other elements of proper design as specified in this Ordinance.
5. **Neighborhood.** The proposed special exception shall not substantially harm any surrounding residential neighborhood, after considering any proposed conditions upon approval.
6. **Safety.** The proposed use shall not create a significant hazard to the public health and safety, such as fire, toxic or explosive hazards.

116.D. **Conditions.** In granting a special exception, the Board may require such reasonable conditions and safeguards (in addition to those expressed in this Ordinance) as it determines are necessary to implement the purposes of this Ordinance. Conditions imposed by the Zoning Hearing Board shall automatically become conditions of the building permit issued pursuant thereto, and any failure to comply with said conditions shall be a violation of this ordinance.

117. **CONDITIONAL USE PROCESS.**

117.A. **Purpose.** The conditional use approval process is designed to allow the Board of Supervisors to review

and approve certain uses that could have significant impacts upon the community and the environment.

- 117.B. Procedure. The Board of Supervisors shall consider the conditional use application and render its decision in accordance with the requirements of the State Municipalities Planning Code.
1. Submittal. A Site Plan shall be submitted, which shall contain the information listed in Section 103.D. Detailed site engineering (such as stormwater calculations and profiles) are not required at the conditional use stage. If a fully engineered subdivision or land development plan will be required, it may be submitted separately, such as after a conditional use is approved. Or, an applicant may voluntarily choose to submit a subdivision or land development plan for review at the same time as a conditional use application.
  2. Reviews.
    - a. The Zoning Officer should provide a review to the Board regarding the compliance of the application with this Ordinance.
    - b. The Township Staff shall submit a conditional use application to the Planning Commission for any review that the Commission may wish to provide. However, the Board of Supervisors shall meet the time limits for a decision, regardless of whether the Planning Commission has provided comments.
  3. The only uses that shall be approved as conditional uses shall be those listed as conditional uses in Article 3.
  4. Time Limit. To minimize delays for applicants, the Township has established the following time limit upon conditional use applications. The Board of Supervisors shall approve, conditionally approve or reject a conditional use application within 120 days after the Township's official receipt of a complete application for a conditional use, unless the applicant provides a written time extension.  
(Note- As of the adoption date of this Ordinance, the State Municipalities Planning Code generally establishes a 60 day time limit for the first hearing and a 45 day time limit for a decision after the last hearing.)
- 117.C Consideration of Conditional Use Application. The Board of Supervisors shall determine whether the proposed conditional use would meet the applicable requirements of this Ordinance. The same standards shall apply to a conditional use as are listed in Section 116.C. for a special exception use.
- 117.D Conditions. In approving conditional use applications, the Board of Supervisors may attach conditions they consider necessary to protect the public welfare and meet the standards of this Ordinance. These conditions shall be enforceable by the Zoning Officer and failure to comply with such conditions shall constitute a violation of this Ordinance and be subject to the penalties described in this Ordinance.
118. **LIABILITY.**
- 118.A. Any review of activity within the floodplain, site plan review, subdivision or land development approval, erosion control review, wetland delineation review, storm water runoff review, review of activity on steep slopes, or any other review, approval or permit under this Ordinance by an officer, employee, board, commission, solicitor, consultant or agency of the Township shall not constitute a representation, guarantee or warranty of any kind by the Township, or its employees, officials, boards, solicitor(s), consultants or agencies of the practicality or safety of any structure, use or subdivision, and shall create no liability upon nor a cause of action against such entity or person for any damage that may result pursuant thereto.
- 118.B. If the Zoning Officer mistakenly issues a permit under this Ordinance, the Township shall not be liable for any later lawful withdrawal of such permit.

## **ARTICLE 2 DEFINITIONS**

201. **GENERAL INTERPRETATION.** For the purposes of this Ordinance, words and terms used herein shall be interpreted as follows:
- A. Words in the present tense shall include the future tense.
  - B. "Used" or "occupied" as applied to any land or building include the words "intended, arranged, or designed to be used or occupied".
  - C. "Should" means that it is strongly encouraged but is not mandatory. "Shall" is always mandatory.
  - D. "Sale" shall also include rental.
  - E. Unless stated otherwise, the singular shall also regulate the plural, and the masculine shall include the feminine, and vice-versa.
  - F. If a word or term is not defined by this Ordinance, but is defined in the Subdivision and Land Development Ordinance (SALDO), then the SALDO definition shall apply. If a word or term is not defined in this Ordinance nor the SALDO, then the word or term shall have its plain and ordinary meaning within the context of the Section. A standard reference dictionary should be consulted.
  - G. The words "such as", "includes", "including" and "specifically" shall provide examples. These examples shall not, by themselves, limit a provision to the examples specifically mentioned if other examples would otherwise comply with the provision.
  - H. The word "person" includes a firm, company, corporation, partnership, trust, organization or association, as well as an individual.
202. **TERMS DEFINED.** When used in this Ordinance, the following words, terms and phrases shall have the following meanings, unless expressly stated otherwise or unless the context clearly indicates otherwise:

Abut or Abutting. Areas of contiguous lots that share a common lot line, except not including lots entirely separated by a street or a perennial waterway. See definition of "adjacent."

Accessory Structure (includes Accessory Building). A structure serving a purpose customarily incidental to and subordinate to the use of the principal use and located on the same lot as the principal use. Accessory structures include but are not limited to a household garage, household storage shed, detached carport, a household swimming pool, or an accessory storage building to a business use. An "Accessory Building" is any accessory structure that meets the definition of a "building." A portion of a principal building used for an accessory use shall not be considered an accessory building.

Accessory Use. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use.

Adjacent. Two or more lots that share a common lot line or that are separated only by a street or waterway from each other.

Adult Bookstore. A use with a significant portion of the market value of its products offered for sale or rent, or over 10 percent of its total retail floor area occupied by books, films, magazines, video tapes, coin- or token-operated films or video tapes, paraphernalia, novelties or other periodicals which are distinguished or characterized by a clear emphasis on depicting, displaying or relating to uncovered male or female genitals or "specified sexual activities." These materials shall include but not be limited to those that would be illegal to sell to persons under age 18 under State law.

Adult Day Care Center. See "Day Care Center, Adult."

Adult Live Entertainment Facility. A use including live entertainment involving persons (which may include, but not be limited to, waiters, waitresses, dancers, clerks, bartenders, contractors or others) displaying uncovered male or female genitals or nude or almost nude female breasts or engaging in simulated or actual "specified sexual activities" to 3 or more persons and which is related to some form of monetary compensation paid to the person or entity operating the use or to persons involved in such activity.

Adult Movie Theater. A use involving the on-site presentation to 3 or more persons at one time of motion pictures, video tapes or similarly reproduced images distinguished or characterized by an emphasis on depiction of "specified sexual activities" for observation by such persons and that is related to some form of monetary compensation paid by the persons viewing such matter.

Adult Use. This term shall include any of the following uses: Adult Bookstore, Adult Movie Theater, Massage Parlor or Adult Live Entertainment Facility/Use.

After Hours Club. A use that permits the consumption of alcoholic beverages by 5 or more unrelated persons between the hours of 2 a.m. and 6 a.m. and that involves some form of monetary compensation paid by such persons for the alcohol or for the use of the premises.

Airport. An area and related support facilities used for the landing and take-off of motorized aircraft that carry people. A "Public Airport" shall be an Airport that does not meet the definition of a "Private Airport." A Private Airport shall be limited to a maximum of 15 total landings and take-offs in any 7 day period, and shall not be available for use by the general public.

Alley. A vehicle right-of-way having a maximum right-of-way width of 20 feet and that usually provides secondary access to the side or rear on 1 or more lots, and which is not intended for through traffic.

Animal Cemetery. A place used for the burial of the remains of 5 or more non-cremated animals, other than customary burial of farm animals as accessory to a livestock use.

Antenna, Standard. A device, partially or wholly exterior to a building, that is used for receiving television or radio signals for use on-site, or for transmitting short-wave or citizens band radio signals. See also "Commercial Communications Antenna."

Apartment. See "dwelling types."

Applicant. The definition in the State Municipalities Planning Code, as amended, shall apply.

Assisted Living Facility. Coordinated and centrally managed rental housing including self-contained units designed to provide a supportive environment and to accommodate a relatively independent lifestyle. Such a development may contain a limited number of supportive services, such as meals, transportation, housekeeping, linen and organized social activities for residents and their invited guests. Such a use shall primarily serve persons 55 and older, persons with physical handicaps and/or the developmentally disabled. Assisted Living Facilities shall be licensed as Personal Care Centers by the Commonwealth of Pennsylvania.

Auto, Boat and/or Mobile/Manufactured Home Sales. An area, other than a street, used for the outdoor or indoor display, sale or rental of one or more of the following in operable condition: motor vehicles, recreation vehicles, boat trailers, farm machinery, motorcycles, trucks, utility trailers, construction vehicles, boats, or transportable mobile/manufactured homes in a livable condition. This use may include an auto repair garage as an accessory use provided that all requirements of such use are complied with. This use shall not include a mobile/manufactured home park (unless the requirements for that use are also met) or a junkyard. See requirements in Section 402.

Auto Repair Garage. An area where repairs, improvements and installation of parts and accessories for motor vehicles and/or boats are conducted that involves work that is more intense in character than work permitted under

the definition of "auto service station." An auto repair garage shall include, but not be limited to, a use that involves any of the following work: major mechanical or body work, straightening of body parts, painting, welding or rebuilding of transmissions. Any use permitted as part of an "auto service station" is also permitted as part of an "auto repair garage." This use shall not include activity meeting the definition of a "truck stop." See requirements in Section 402.

Auto Service Station. An area where gasoline is dispensed into motor vehicles, and where no repairs are conducted, except work that may be conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories and safety and emission inspections, and sale of pre-packaged propane. This use may include a "convenience store," provided that all of the requirements for such use are also met. A business that maintains an accessory use of providing motor fuel only for use by vehicles operated by that business shall not, by itself, be considered to be an auto service station. This use shall not include activity meeting the definition of a "truck stop." See storage limits and other requirements in Section 402.

Basement. An enclosed floor area partly or wholly underground. A basement shall be considered a "story" if a) the majority of the basement has a clearance from floor to ceiling of 6.5 feet or greater and b) the top of the ceiling of the basement is an average of 5 or more feet above the finished grade along the majority of the front side of the building that faces onto a street.

Bed and Breakfast, Inn. A dwelling and/or its accessory structure which includes the rental of overnight sleeping accommodations and bathroom access for temporary overnight guests, and that meets the maximum number of overnight guests specified in Section 402 for this use, and which does not provide any cooking facilities for actual use by guests, and which only provides meals to overnight guests, employees and residents of the dwelling. Overnight stays shall be restricted to transient visitors to the area, employees and their family. See requirements in Section 402.

Betting Use. A place used for lawful gambling activities, including but not limited to off-track pari-mutual betting. This term shall not regulate State Lottery sales or lawful "Small Games of Chance."

Billboard. See Sign, Off-Premises.

Boarding House (Includes "Rooming House"). A residential use in which: a) room(s) that do not meet the definition of a lawful dwelling unit are rented for habitation, or b) a dwelling unit includes greater than the permitted maximum number of unrelated persons. A boarding house shall not include a use that meets the definition of a hotel, dormitory, motel, life care center, personal care center, bed and breakfast inn, group home or nursing home. A college fraternity or sorority house used as a residence shall be considered a type of boarding house. A boarding house may either involve or not involve the providing of meals to residents, but shall not include a restaurant open to the public unless the use also meets the requirements for a restaurant. A boarding house shall primarily serve persons residing on-site for 5 or more consecutive days.

Buffer Yard. A strip of land that a) separates one use from another use or feature, and b) is not occupied by any building, parking, outdoor storage or any use other than open space or approved pedestrian pathways. A buffer yard may be a part of the minimum setback distance, but land within an existing or future street right-of-way shall not be used to meet a buffer yard requirement. See Section 803.

Building. Any structure having a permanent roof and walls and that is intended for the shelter, work area, housing or enclosure of persons, animals, vehicles, equipment or materials and that has a total area under roof of greater than 50 cubic feet. "Building" is interpreted as including "or part thereof." See the separate definition of "structure". Any structure involving a permanent roof (such as a covered porch or a carport) that is attached to a principal building shall be considered to be part of that principal building.

Building Coverage. The percentage obtained by dividing: a) the maximum horizontal area in square feet of all principal and accessory buildings and attached structures covered by a permanent roof on a lot by b) the total lot area of the lot upon which the buildings are located.

**Building, Principal.** A building used for the conduct of the principal use of a lot, and which is not an accessory building.

**Building Width.** The horizontal measurement between 2 vertical structural walls that are generally parallel of 1 building, measured in one direction that is most closely parallel to the required lot width. For attached housing, this width shall be the width of each dwelling unit, measured from the center of each interior party wall and from the outside of any exterior wall. For detached buildings, this width shall be measured from the outside of exterior walls.

**Bulk Recycling Center.** A use involving the bulk commercial collection, separation and/or processing of types of waste materials found in the typical household or office for some productive reuse, but which does not involve the actual processing or recycling of hazardous or toxic substances, and which does not primarily involve the processing of non-recycled solid waste, unless the use also meets the applicable requirements for a solid waste transfer facility. This definition shall not include a "junkyard."

**Camp.** An area that includes facilities and structures for primarily outdoor recreational activities by organized groups, and/or that involves overnight stays within seasonal cabins or temporary tents by organized groups and/or transient visitors to the area. This term shall only include facilities that are primarily used during warmer months, and which have a maximum impervious coverage of 5 percent.

**Campground, Recreational Vehicle.** An area where spaces are rented to transient visitors to the area to live within recreational vehicles, and which may include accessory recreational facilities.

**Cartway.** The paved portion of a street designed for vehicular traffic and on-street parking, but not including the shoulder of the street.

**Cemetery.** A place used for the burial of 2 or more non-cremated humans.

**Christmas Tree Farm or Tree Farm.** A type of crop farming involving the raising and harvesting of evergreen trees for commercial purposes. This may include the retail sale during November and December of trees that were produced on the premises.

**Church.** See "Place of Worship."

**Clear Cutting.** A logging method that removes all trees or the vast majority of trees from a mostly wooded area.

**Cluster Development.** A residential development that involves the permanent preservation of common open space, that places dwellings on the most suitable portions of a tract. It is one of the options that is possible under Lot Averaging in Section 311.

**Commercial Communications Tower or Antenna.** A structure, partially or wholly exterior to a building, used for transmitting or re-transmitting electronic signals through the air, and that does not meet the definition of a "standard antenna". Commercial communications antennae shall include, but are not limited to, antennae used for transmitting commercial radio or television signals, or to receive such signals for a cable system, or to re-transmit wireless telecommunications. A commercial communications tower shall be a structure over 30 feet in height that is primarily intended to support one or more antenna. See standards in Section 402.

- A. Guyed Tower. A Commercial Communications Tower that has diagonal cables running from the sides of the tower to the ground.
- B. Lattice Tower. A Commercial Communications Tower that involves a structure with multiple legs and cross-supports.
- C. Monopole Tower. A Commercial Communications Tower that involves a single shaft as its structural support. One or more platforms are typically placed at the top of the tower to hold antenna.

D. Self-Supporting Tower. A Commercial Communications Tower that does not use guy wires and is not attached to a principal building.

Commercial District. The VC Village Commercial/Residential and GC General Commercial Zoning Districts. The LIC Light Industrial/Commercial District may be considered a Commercial or an Industrial district.

Commercial Use. This term includes but is not limited to: retail sales, offices, personal services, auto sales, auto repair garages and other uses of a similar profit-making non-industrial nature. The sale of goods or services from a vehicle on a lot shall also be considered to be a commercial use.

Community Center. A use that exists solely to provide primarily indoor leisure and educational activities and programs and meeting space to members of the surrounding community and/or certain age groups, and which does not involve substantial use of machinery or noise producing equipment. The use also may include the preparation and/or provision of meals to low-income elderly persons, as accessory to leisure activities. This shall not include residential uses or a "treatment center."

Conditional Use. A use listed as a conditional use under Section 306, which is only allowed after review by the Township Planning Commission and approval by the Board of Supervisors, under Section 117.

Condominium. A set of individual dwelling units or other areas of buildings each owned by an individual person(s) in fee simple, with such owners assigned a proportionate interest in the remainder of the real estate which is designated for common ownership, and which is created under the Pennsylvania Uniform Condominium Act of 1980 or Uniform Planned Community Act of 1996, as amended.

Conservation Area, Primary. Those areas of a development tract which are comprised of environmentally sensitive lands on which development is not permitted.

Conservation Area, Secondary. Those areas of a development tract which are somewhat less sensitive than primary conservation areas and which may be critical to the effect the development will have on both the natural environment and the rural character of the community.

Conservation Easement. A legal agreement granted by a property owner that strictly limits the types and amounts of development that may take place on such property. Such easement shall restrict the original and all subsequent property-owners, lessees and all other users of the land.

Conservation Open Space. That part of a particular conservation subdivision design development tract set aside for the protection of sensitive natural features, farmland, scenic views and other primary and secondary conservation areas identified by this Zoning Ordinance and which meets the conservation open space requirements of the Township Subdivision and Land Development Ordinance. Conservation open space may be accessible to the residents of the development and/or the Township, or it may contain areas of farmland or forest land which are not accessible to project residents or the public.

Convenience Store. A use that primarily sells routine household goods, groceries, prepared ready-to-eat foods and similar miscellaneous items to the general public, but that is not primarily a restaurant, and that includes a building with a floor area of less than 6,000 square feet. A convenience store involving the sale of gasoline shall be regulated as an "auto service station."

Crafts or Artisan's Studio. A use involving the creation, display and sale of arts and crafts, such as paintings, sculpture and fabric crafts. The creation of arts and crafts may also be permitted within a Home Occupation, provided the requirements for such use are met.

Crop Farming. The raising of products of the soil and accessory storage of these products. This term shall

include orchards, tree farms, plant nurseries, raising of fish, greenhouses and keeping of animals in numbers that are routinely accessory and incidental to a principal crop farming use. See also "Livestock, Raising of."

Curative, Municipal. A process provided in the PA. Municipalities Planning Code that permits a municipality to address the potential invalidity of portions or all of its own Zoning Ordinance.

Day Care Center, Adult. A use providing supervised care and assistance to persons who need such daily assistance because of their old age or disabilities. This use shall not include persons who need oversight because of behavior that is criminal, violent or related to substance abuse. This use may involve occasional overnight stays, but shall not primarily be a residential use. The use shall involve typical stays of less than a total of 60 hours per week per person.

Day Care, Child. A use involving the supervised care of children under age 16 outside of the children's own home(s) primarily for periods of less than 18 hours per child during the average day. This use may also include educational programs that are supplementary to State-required education, including a "nursery school" or "Head Start" programs. See also the definition of "adult day care center."

- A. The following three types of day care are permitted without regulation by this Ordinance: 1) care of children by their own "relatives", 2) care of children within a place of worship during regularly scheduled religious services and 3) care of 1 to 3 children within any dwelling unit, in addition to children who are "relatives" of the care giver.
  - B. Family Day Care Home (or "Child Day Care as an Accessory Use"). A type of "day care" use that: 1) is accessory to and occurs within a dwelling unit, and 2) provides care for 4 to 6 children at one time who are not "relatives" of the primary care giver. See Section 403.
  - C. Group Day Care Home. A type of "day care" use that: 1) provides care for between 7 and 12 children at one time who are not "relatives" of the primary care giver, 2) provides care within a dwelling unit, and 3) is registered with the applicable State agency.\*
  - B. Child Day Care Center. A type of "day care" use that: 1) provides care for 7 or more children at any one time who are not "relatives" of the primary care giver, 2) does not meet the definition of a Group Day Care Home, and 3) is registered with the applicable State agency.\* See Section 402.
- \* Note: As of the adoption date of this Ordinance, such agency was the PA. Department of Public Welfare.

Density. The total number of dwelling units proposed on a lot divided by the "lot area", unless otherwise stated.

DEP. Shall mean the Pennsylvania Department of Environmental Protection and its relevant bureaus.

District (or Zoning District). A land area within the Township within which certain uniform regulations and requirements apply under the provisions of this Ordinance.

Dormitory. A building used as living quarters for the exclusive use of bona-fide full-time faculty or students of an accredited college or university or primary or secondary school, and which is owned by and on the same lot as such college, university or school.

Drive-through Service. An establishment where at least a portion of patrons are served while the patrons remain in their motor vehicles.

Driveway. A privately owned, constructed, and maintained vehicular access from a street to 1 or 2 principal buildings or their accessory buildings, and which does not meet the definition of a street or an alley.

Dwelling. A building used as non-transient living quarters, but not including a boarding house, hotel, motel, hospital, nursing home or dormitory. A dwelling may include a use that meets the definition of a "sectional home."

Dwelling Types. This Ordinance categorizes dwellings into the following types:



- A. Conversion Apartment. A new dwelling unit created within an existing building within the standards of Article 4 and where permitted by Article 3 and meeting the floor area requirements of Section 801.
- B. Apartments. Two or more dwelling units within a building that do not meet the definition of a single family detached dwelling, twin dwelling or townhouse/rowhouse. The individual dwelling units may be leased or sold for condominium ownership.
- C. Mid-Rise Apartments. Three or more dwelling units within a building that is higher than 3-1/2 stories.
- D. Sectional or "Modular" Home. A type of dwelling that meets a definition of single family detached dwelling, single family semi-detached dwelling, townhouse or low-rise apartment that is substantially but not wholly produced in two or more major sections off the site and then is assembled and completed on the site, and that does not meet the definition of a "mobile/ manufactured home" and that is supported structurally by its exterior walls and that rests on a permanent foundation.
- E. Single Family Detached Dwelling. One dwelling unit in 1 building accommodating only 1 family and having open yard areas on all sides. A single family detached dwelling may be a mobile/manufactured home.
  - 1. Mobile/Manufactured Home. A type of single family detached dwelling that meets all of the following requirements: a) is transportable in a single piece, or two substantial pieces designed to be joined into one integral unit capable of again being separated for towing, b) is designed for permanent occupancy, c) which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, d) is constructed so that it may be used with or without a permanent foundation and e) is not a "Recreation Vehicle." The terms "mobile home" and "manufactured home" have the same meaning. This term is different from a "Sectional home," which is defined above. See standards in Section 402.
- F. Twin Dwelling Unit. One dwelling unit accommodating 1 family that is attached to and completely separated by a vertical unpierced fire resistant wall to only 1 additional dwelling unit. One side yard shall be adjacent to each dwelling unit. Each unit may or may not be on a separate lot from the attached dwelling unit.
- G. Townhouse or Rowhouse. One dwelling unit that is attached to 2 or more dwelling units, and with each dwelling unit being completely separated from and attached to each other by unpierced vertical fire resistant walls. Each dwelling unit shall have its own outside access. Side yards shall be adjacent to each end unit. See standards in Section 402.

Dwelling Unit. A single habitable living unit occupied by only one "family." See definition of "family." Each dwelling unit shall have: a) its own toilet, bath or shower, sink, sleeping and cooking facilities and b) separate access to the outside or to a common hallway or balcony that connects to outside access at ground level. A dwelling unit shall not include either or both of the following: a) two or more separate living areas that are completely separated by interior walls so as to prevent interior access from one living area to another, or b) two separate and distinct sets of kitchen facilities.

Emergency Services Station. A building for the housing of fire, emergency medical or police equipment and for related activities. A Membership Club may be included if it is a permitted use in that District. This use may include housing for emergency personnel while on-call.

Employees. The highest number of workers (including both part-time and full-time, both compensated and volunteer and both employees and contractors) present on a lot at any one time, other than clearly temporary and occasional persons working on physical improvements to the site.

Essential Services. Utility or municipal uses that are necessary for the preservation of the public health and safety and that are routine, customary and appropriate to the character of the area in which they are to be located. See standards in Section 306. Essential services shall not include a central sewage treatment plant, a solid waste

disposal area or facility, commercial communications towers, a power generating station, septic or sludge disposal, offices, storage of trucks or equipment or bulk storage of materials.

Family. One or more individuals related by blood, marriage or adoption (including persons receiving formal foster care) or up to four unrelated individuals who maintain a common household and live within one dwelling unit. A family shall also expressly include numbers of unrelated persons provided by the Group Home provision of Section 402 residing within a licensed group home, as defined herein. Through those provisions and Section 111.D.5, the Township's intent is to comply with the Federal Fair Housing Act, as amended.

Fence. A man-made barrier placed or arranged as a line of demarcation, an enclosure or a visual barrier that is constructed of wood, chain-link metal, vinyl or aluminum and/or plastic inserts. Man-made barriers constructed principally of masonry, concrete, cinder block or similar materials shall be considered a "wall." The term "wall" does not include engineering retaining walls, which are permitted uses as needed in all Districts. See Section 403.

Financial Institution. An establishment primarily involved with loans and monetary, not material, transactions and that has routine interactions with the public.

Floodplain. See definitions of Floodplain and related terms in the Township Floodplain Ordinance.

Floor Area, Total. The total floor space within a building(s) measured from the exterior faces of exterior walls or from the centerlines of walls separating buildings. Floor area shall specifically include, but not be limited to: a) fully enclosed porches and b) basement or cellar or attic space that is potentially habitable and has a minimum head clearance of at least 6.5 feet. Floor area shall not include unenclosed structures.

Garage Sale. The accessory use of any lot for the occasional sale or auction of only common household goods and furniture and items of a closely similar character. See Section 403.

Glare. A sensation of brightness within the visual field which causes annoyance, discomfort or loss in visual performance, visibility and/or ability to focus. See Section 507.

Government Facility, Other than Township-Owned. A use owned by a government, government agency or government authority for valid public health, public safety, recycling collection or similar governmental purpose, and which is not owned by Chestnuthill Township. This term shall not include uses listed separately in the table of uses in Article 3, such as "publicly owned recreation." This term shall not include a prison.

Group Home. A dwelling unit operated by a responsible individual, family or organization with a program to provide a supportive living arrangement for individuals where special care is needed by the persons served due to age, emotional, mental, developmental or physical disability. This definition shall expressly include facilities for the supervised care of persons with disabilities subject to protection under the Federal Fair Housing Act as amended. Group homes must be licensed where required by any appropriate government agencies, and a copy of any such license must be delivered to the Zoning Officer prior to the initiation of the use.

- A. Group homes shall be subject to the same limitations and regulations by the Township as the type of dwelling unit they occupy.
- B. It is the express intent of the Township to comply with all provisions of the Federal Fair Housing Act, as amended, and regulations promulgated thereunder, in the construction of this term.
- C. A Group Home shall not include a "Treatment Center."
- D. See standards in Section 402.

\* *NOTE: The Federal Fair Housing Act Amendments defined "handicap" as follows: "1) a physical or mental impairment which substantially limits one or more of such person's major life activities, 2) a record of having such an impairment, or 3) being regarded as having such an impairment, but such term does not include current, illegal use of or addiction to a controlled substance as defined in Section 802 of Title 21." This definition was subsequently adjusted by Section 512 of the Americans With Disabilities Act to address certain situations related to substance abuse treatment.*

Hazardous Substances. A product or waste, or combination of substances that because of the quantity, concentration, physical or infectious characteristics, if not properly treated, stored, transported, used or disposed of, or otherwise managed, would create a potential threat to public health through direct or indirect introduction into ground water resources and the subsurface environment which includes the soil and all subsequent materials located below. Such hazardous material includes, but is not limited to materials which are included on the latest edition of one or more of the following lists:

- A. "Hazardous Substances" as defined pursuant to Section 311 of the Federal Clean Water Act, or its successor provisions.
- B. "Hazardous Substances" as defined pursuant to the Federal Comprehensive Environmental Response, Compensation and Liability Act, or its successor provisions.

Hazardous Substances, Extremely. Hazardous substances included on the list of "Extremely Hazardous Substances" in 29 Code of Federal Regulations Part 355, or its successor provisions.

Height. The vertical distance measured from the average elevation of the proposed ground level along the front of the building to the highest point of a structure. For a building with a defined and pitched roof, 20 percent of the ground area covered by the building may exceed the maximum height to provide for the roof peak, provided such area above the maximum height is not occupied by persons. See exemptions for certain types of structures in Section 802. A maximum of one more story may be exposed in the rear of a building compared to what is visible in the front of a building. For height of signs, see Article 7 entitled "Signs."

Heliport. An area used for the take-off and landing of helicopters, and related support facilities. A Private Heliport shall be limited to 15 total take-offs and landings in any 7 day period, and which is not open to the general public. A Public Heliport is one that does not meet the definition of a Private Heliport.

Home Occupation. A routine, accessory and customary non-residential use conducted within or administered from a portion of a dwelling or its permitted accessory building and that meets all of the Home Occupation requirements of Section 403. A Light Home Occupation shall be a Home Occupation that meets the additional requirements for a Light Home Occupation stated in Section 403. A General Home Occupation shall be a Home Occupation that does not meet the requirements for a Light Home Occupation. (Note - In most cases, under Section 306, a Light Home Occupation is permitted by right, while a General Home Occupation typically needs special exception approval from the Zoning Hearing Board.)

Hospital. A use involving the diagnosis, treatment or other medical care of humans that includes, but is not limited to, care requiring stays overnight. A medical care use that does not involve any stays overnight shall be considered an "Office." A hospital may involve care and rehabilitation for medical, dental or mental health, but shall not primarily include housing or treatment of the criminally insane or persons actively serving an official sentence after being convicted of a felony. A hospital may also involve medical research and training for health care professionals.

Hotel or Motel. A building or buildings including rooms rented out to persons as clearly transient and temporary living quarters. Any such use that customarily involves the housing of persons for periods of time longer than 30 days shall be considered a "boarding house" and shall meet the requirements of that use. See also "bed and breakfast" use. A hotel or motel may also include a restaurant, meeting rooms, nightclub, newsstand, gift shop, swim club or tavern, provided that such use(s) is not the principal use of the property.

Industrial District. The LIC Light Industrial/Commercial, BP Business Park Overlay and GI General Industrial zoning districts.

Impervious Coverage. The percentage of the lot area covered by man-made surfaces that have a coefficient of runoff of 0.85 or greater. For the purposes of determining compliance with this Zoning Ordinance, any compacted stone surfaces regularly used for vehicle parking and movement shall be considered to be impervious.

Junk. Any discarded, unusable, scrap or abandoned man-made or man-processed material or articles, such as the following types: metal, furniture, appliances, motor vehicle parts, aircraft, glass, plastics, machinery, equipment, containers and building materials. Junk shall not include: a) solid waste temporarily stored in an appropriate container that is routinely awaiting imminent collection and proper disposal, b) toxic substances, c) yard waste, or d) items clearly awaiting imminent recycling at an appropriate location.

Junk Vehicle. Includes any vehicle or trailer that meets any of the following conditions:

- A. cannot be moved under its own power, in regards to a vehicle designed to move under its own power, other than a vehicle clearly needing only minor repairs,
  - B. cannot be towed, in regards to a trailer designed to be towed,
  - C. has been demolished beyond repair,
  - D. has been separated from its axles, engine, body or chassis, and/or
  - E. includes only the axle, engine, body parts and/or chassis, separated from the remainder of the vehicle.
- See also the definition of "unregistered vehicle."

Junkyard.

- A. Land or a structure used for the collection, storage, dismantling, processing and/or sale, other than within a completely enclosed building, of material of 1 or more of the following types:
  - 1. "Junk." (see definition) covering more than 1 percent of the lot area.
  - 2. Two or more "junk vehicles" that are partly or fully visible from an exterior lot line, dwelling and/or public street. This shall not apply to such vehicles stored as part of an auto repair garage within the requirements of Section 402.
  - 3. One or more mobile/manufactured homes that are not in a habitable condition.
- B. Junk stored within a completely enclosed building for business purposes shall be considered a warehouse.
- C. A junkyard specifically shall include but not be limited to a metal scrap yard or auto salvage yard.

Kennel. The keeping of a greater number of dogs and/or cats than are permitted under the "Keeping of Pets" provisions of this Ordinance. A kennel may also serve other animals.

Landowner. The owner of a legal or equitable interest in land, including the holder of a written, signed and active option or contract to purchase or a person leasing the property (if authorized under the lease to exercise the right of the landowner) or authorized officers of a partnership or corporation that is a "landowner."

Lighting, Diffused. Illumination that passes from the source through a translucent cover or shade.

Livestock or Poultry, Raising of. The raising and keeping of livestock, horses, poultry or insects for any commercial purposes or the keeping of any animals for any reason beyond what is allowed under the "Keeping of Pets" section of Section 403 and beyond what is customarily incidental to a principal "crop farming" use. Raising of livestock shall not include a slaughterhouse nor a stockyard used for the housing of animals awaiting slaughter.

Livestock or Poultry, Intense Raising of. A Raising of Livestock or Poultry use involving any of the following, whichever is more inclusive:

- A. An average of 5 or more "animal equivalent units" (see definition) of live weight per acre of livestock or poultry, on an annualized basis;
- B. 250 or more swine; or
- C. 300 or more total animal equivalent units, regardless of acreage.

An Animal Equivalent Unit (AEU) is 1,000 pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit. (Note: 300 animal equivalent units is roughly comparable to 300 slaughter cattle, 16,000 turkeys or 30,000 broiler chickens.)

Lot. A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used,

developed or built upon as a unit. A "lot" may or may not coincide with a lot of record and includes one or more adjacent pieces, parcels or plots of land of record held in single and separate ownership, including adjacent pieces, parcels or plots bisected by public or private streets. The area and depth of a lot shall be measured to the legal right-of-way line of the street, and all lots shall front on public or private streets.

Lot Averaging. A process, as authorized in Section 311, that allows certain lots to be smaller than would otherwise be permitted, provided that a certain average lot size is maintained in a subdivision. Therefore, certain lots are larger than the required average, in return for the flexibility of allow certain lots to be smaller than the average.

Lot, Corner. A lot abutting on 2 or more intersecting streets which has an interior angle of less than 135 degrees at the intersection of right-of-way lines of two streets. A lot abutting upon a curved street or streets shall be considered a "corner lot" if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lot lines with the street lines intersect at an angle of less than 135 degrees.

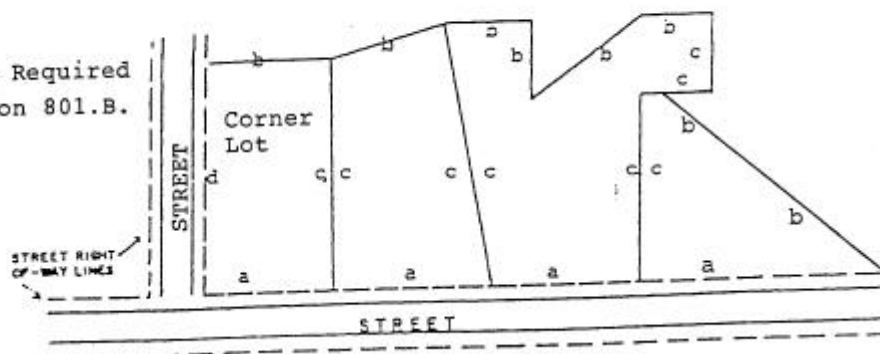
Lot Area. The horizontal land area contained within the lot lines of a lot (measured in acres or square feet) determined by deducting from the total lot size the areas as specified in Section 317.D.4.a. (Note - Other sections of this Ordinance, such as Lot Averaging, may specifically permit proposed streets to be included in determining density for a specific use.)

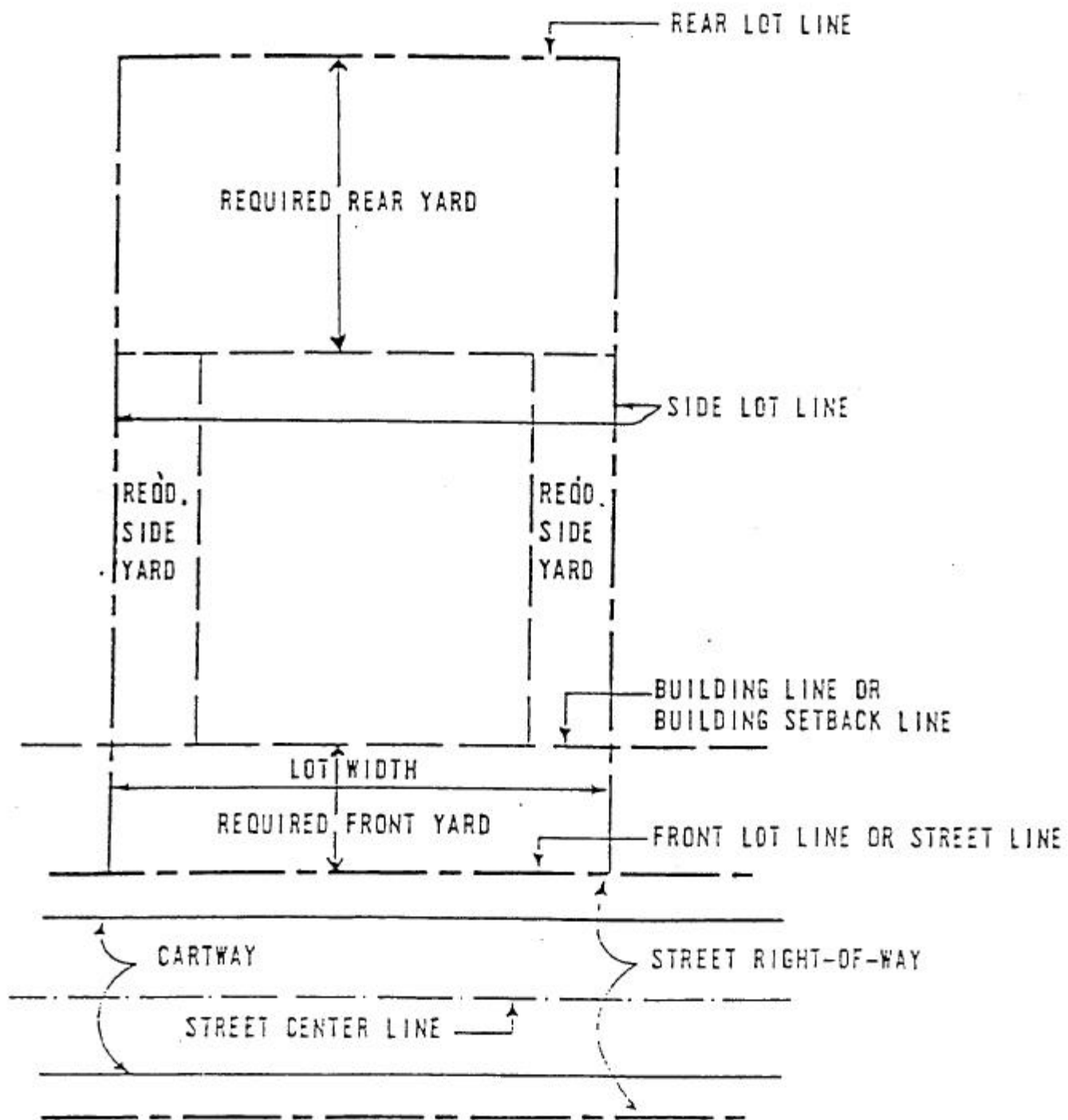
Lot Lines. The property lines bounding the lot. Wherever a property line borders a public street, for the purposes of determining setbacks, the lot line shall be considered to be the street right-of-way line that will exist at the time of completion of a subdivision or development.

- A. Front Lot Line (Street Line). A lot line separating the lot from the existing or proposed street right-of-way. For a corner lot, see Section 803.B.
- B. Rear Lot Line. Any lot line which is parallel to or within 45 degrees of being parallel to a front street right-of-way line. In the case of a lot having no street frontage, or a lot of an odd shape, or a flag lot, only the one lot line furthest from any street shall be considered a rear lot line. Every lot shall have a rear yard.
- C. Side Lot Line. Any lot line other than a front or rear lot line.

#### SAMPLE LOT LINE CONFIGURATIONS

- a = Front Lot Line
- b = Rear Lot Line
- c = Side Lot Line
- d = Side Lot Line Required to Meet Section 801.B.





### Terms For Lot Requirements

For Illustrative Purposes Only

**Lot Width.** The horizontal distance between the side lot lines measured at the minimum prescribed front yard setback line, unless otherwise stated or as may be specified in the Township Subdivision and Land development Ordinance. In the event of a curved lot line, such lot width at the minimum prescribed front yard setback line shall be measured along the curve. Where buildings are permitted to be attached, the lot width shall be measured from the center of the party wall. (Note - The Subdivision and Land Development Ordinance includes provisions allowing reduction of lot widths in certain circumstances, including around cul-de-sac ends, and to allow flag lots within Conservation Design developments.)

**Massage Parlor.** An establishment that meets all of the following criteria:

- A. Massages are conducted involving one person using their hands and/or a mechanical device on another person below the waist, in return for monetary compensation, and which does not involve persons who are related to each other.
- B. The use does not involve a person licensed or certified by the State as a health care professional or a massage therapist certified by a recognized professional organization that requires substantial professional training. Massage therapy by a certified professional shall be considered "personal service."
- C. The massages are not conducted within a licensed hospital or nursing home or an office of a medical doctor or chiropractor or as an incidental accessory use to a permitted exercise club or high school or college athletic program.
- D. The massages are conducted within private or semi-private rooms.

**Membership Club.** An area of land or building routinely used by a recreational, civic, social, fraternal, religious, political or labor union association of persons for meetings and routine socializing and recreation that is limited to members and their occasional guests, and persons specifically invited to special celebrations, but which is not routinely open to members of the general public and which is not primarily operated as a for-profit business.

- A. This use shall not include a target range for outdoor shooting of firearms, boarding house, tavern, restaurant or retail sales unless that particular use is permitted in that District and the requirements of that use are met.
- B. See Section 402. See also "After Hours Club."

**Mineral Extraction.** The removal from the surface or beneath the surface of the land of bulk mineral resources using significant machinery. This use also includes accessory stockpiling and processing of mineral resources. "Mineral extraction" includes but is not limited to the extraction of sand, gravel, topsoil, limestone, sandstone, oil, coal, clay, shale and iron ore. The routine movement of and replacement of topsoil during construction shall not by itself be considered to be mineral extraction.

**Mobile/Manufactured Home.** See under "Dwelling Types."

**Mobile/Manufactured Home Park.** A lot under single ownership which includes two or more mobile/manufactured homes for residential use. The individual manufactured homes may be individually owned. A development of mobile/ manufactured homes that is subdivided into individual lots shall be regulated in the same manner as a subdivision of site-built homes, and shall not be considered to be a "mobile home park." See Section 402.

**Motor Vehicle.** An automobile, recreational vehicle, truck, bus, motorcycle, all-terrain vehicle or similar means of transportation designed to operate carry persons or cargo on roads and that is powered by mechanized means.

**Municipalities Planning Code or State Planning Code.** The Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended.

**Neighborhood:** A development of five (5) to twenty-five (25) dwellings clustered in a concentrated area which is surrounded by conservation open space or recreation area.

**Nonconforming Lot.** A lot which does not conform with the minimum lot width or area dimensions specified for the district where such lot is situated, but was lawfully in existence prior to the effective date of this Ordinance, or amendments hereinafter enacted.

Nonconforming Structure. A structure or part of a structure that does not comply with the applicable lot coverage, dimensional and other provisions in this Ordinance, as amended, where such structure lawfully existed prior to the enactment of such Ordinance or applicable amendment(s). Such nonconforming structures include but are not limited to signs. See Section 805.

Nonconforming Use. A use, whether of land or of a structure, which does not comply with the applicable use provisions in this Ordinance or amendment(s), where such use was lawfully in existence prior to the enactment of this Ordinance or applicable amendment(s). A use granted by variance is not a nonconforming use. See Section 805.

Nursing Home. A facility licensed by the State for the housing and intermediate or fully skilled nursing care of 3 or more persons. See Section 402.

Office. A use that involves administrative, clerical, financial, governmental or professional operations and operations of a similar character. This use shall include neither retail nor industrial uses, but may include business offices, medical offices, laboratories, photographic studios and/or television or radio broadcasting studios.

Open Space, Common or Preserved. A parcel or parcels of land within a tract which meets all of the following standards:

- A. is designed, intended and suitable for active or passive recreation by residents of a development or the general public,
- B. is covered by a system that ensures perpetual maintenance, if not intended to be publicly owned,
- C. will be deeded to the Township and/or deed restricted to permanently prevent uses of land other than "common/preserved open space" and non-commercial recreation or a golf course, and
- D. does not use any of the following areas to meet minimum open space requirements:
  - 1) existing street rights-of-way,
  - 2) vehicle streets or driveways providing access to other lots,
  - 3) land beneath building(s) or land within 20 feet of a building (other than accessory buildings and pools clearly intended for noncommercial recreation and other than agricultural buildings and a farmstead which are permitted within land approved by the Township for agricultural preservation),
  - 4) off-street parking (other than that clearly intended for noncommercial recreation),
  - 5) area(s) needed to meet a requirement for an individual lot,
  - 6) for land intended to be open to the public, that does not have provisions for entry with a 20 foot minimum width by pedestrians from a street open to the public or from an adjacent common open space area that has access to such a street,
  - 7) land that includes a stormwater detention basin, except for a basin or portions of a basin that the applicant proves to the satisfaction of the Board of Supervisors would be reasonably safe and useful for active or passive recreation during the vast majority of weather conditions,
  - 8) portions of land that have a width of less than 40 feet.

Ordinance, This. The Chestnuthill Township Zoning Ordinance, including the Official Zoning Map, as amended.

PA. The Commonwealth of Pennsylvania.

Parking. Shall mean off-street parking and aisles for vehicle movement unless otherwise stated.

PennDOT. The Pennsylvania Department of Transportation, or its successor, and its subparts.

Permitted By Right Uses. Allowed uses in which zoning matters may be approved by the Zoning Officer, provided the application complies with all requirements of the Zoning Ordinance. A "nonconforming use" shall not be considered to be a permitted by right use, a special exception use or a conditional use.



Personal Care Home or Center. Shall mean "Assisted Living Facility."

Personal Service. An establishment that provides a service oriented to personal needs of the general public and which does not involve primarily retail or wholesale sales or services to businesses. Personal services include barber and beauty shops, photography studios, shoe repair shops, household appliance repair shops, and other similar establishments, but shall not include any "adult uses," as herein defined.

Pets, Keeping of. The keeping of domesticated animals of types that are normally considered to be kept in conjunction with a dwelling for the pleasures of the resident family. This shall include dogs, cats, small birds, gerbils, rabbits and other animals commonly sold in retail pet shops. See Section 403.

Picnic Grove, Private. An area of open space and pavilions that is not publicly owned and is used for group picnics and related outdoor recreation, and which is used on a commercial basis.

Places of Worship. Buildings, synagogues, churches, religious retreats, monasteries, seminaries and shrines used primarily for religious and/or spiritual worship and that are operated for nonprofit and noncommercial purposes. If a religious use is primarily residential in nature, it shall be regulated under the appropriate "dwelling type." See standards in Section 402.

Principal Building. A "Principal Structure" which is also a "building."

Principal Structure. The structure in which the principal use of a lot is conducted. Any structure that is physically attached to a principal structure shall be considered part of that principal structure.

Principal Use. A dominant use(s) or main use on a lot, as opposed to an accessory use.

Prison. A correctional institution within which persons are required to inhabit by criminal court actions or as the result of a criminal arrest.

Public Notice. Notice required by the PA. Municipalities Planning Code. (Note: As of the adoption date of this Ordinance, for a Zoning Hearing Board hearing or an amendment to this Ordinance, such Act generally required a legal advertisement published once each week for 2 successive weeks in a newspaper of general circulation in the Township, which states that time and place of a meeting/hearing and the particular nature of the matter to be considered. The first publication shall not be more than 30 days and the second publication not less than 7 days from the meeting/hearing date.)

Publicly Owned Recreation. Leisure facilities owned, operated or maintained by governmental entities for use by the general public. "Publicly Owned Recreation" is a distinct use from "Indoor Recreation" or "Outdoor Recreation."

Recreation. The offering of leisure-time activities to unrelated persons. This term shall not include any "Adult Use." For the purposes of this Ordinance, recreation facilities shall be permitted by right as an accessory use when clearly limited to residents of a development and their occasional invited guests.

- A. Indoor Recreation. A type of "recreation" use that: a) does not meet the definition of Outdoor Recreation, and b) is used principally for active or passive recreation, such as a bowling alley, roller skating, ice skating, commercial batting practice use and similar uses. This term shall not include any use listed separately as a distinct use by Section 306.
- B. Outdoor Recreation. A type of "recreation" use that: a) has a total building coverage of less than 15%, and b) is used principally for active or passive recreation, such as a golf driving range, miniature golf course, amusement park and similar uses. This term shall not include any use listed separately as a distinct use by Section 306, such as a firearms target range.

Recycling Collection Center. A use for collection and temporary storage of more than 500 pounds of common household materials for recycling, but that does not involve processing or recycling other than routine sorting, baling and weighing of materials. This term shall not include the indoor storage of less than 500 pounds of household recyclables and their customary collection, which is a permitted by right accessory use in all zoning districts, without additional regulations. A recycling collection center is also a permitted by right accessory use to a public or private primary or secondary school, a place of worship, a Township-owned use or an emergency services station.

Related or Relative. Persons who are related by blood, marriage, adoption or formal foster relationship to result in one of the following relationships: spouse, brother, sister, parent, child, grandparent, great-grandparent, grandchild, great-grandchild, uncle, aunt, niece, nephew, sister-in-law, brother-in-law, parent-in-law or first cousin. This term specifically shall not include relationships such as second, third or more distant cousins. See definition of "Dwelling Unit."

Repair Service. Shops for the repair of appliances, watches, guns, bicycles and other household items.

Residential Accessory Structure (includes "Building") or Use. A use or structure that is clearly accessory, customary and incidental to a principal residential use on a lot, including the following uses and uses that are very similar in nature: Garage (household), Carport, Tennis Court, Garage Sale, Basketball Backboard, Household Swimming Pool, Gazebo, Storage Shed, Greenhouse, Children's Playhouse or Children's Play Equipment. No business shall be conducted in a household garage or storage shed that is accessory to a dwelling, except as may be allowed as a home occupation.

Residential District(s). The CR Conservation Residential, RR Rural Residential, R-S Special Residential, R-1 Low Density Residential, R-2 Medium Low Density Residential and R-3 Medium Density Residential Zoning Districts.

Residential Lot Lines. The lot line of a lot that: 1) contains an existing primarily residential use, or b) is undeveloped and zoned as a Residential District.

Restaurant.

- A. An establishment that sells ready-to-consume food or drink and that routinely involves the consumption of at least a portion of such food on the premises.
- B. A restaurant may include the accessory sale of alcoholic beverages. However, if such sale is a primary or substantial portion of the total trade, the requirements of a "tavern" or nightclub as applicable must be met.
- C. See "Drive-Through Service" in this section.

Retail Store. A use in which merchandise is sold or rented to the general public, but not including the following: sales of motor vehicles or boats, adult movie theater, adult bookstore, manufacturing, tavern, car wash, auto service station, auto repair garage, convenience store or any restaurant.

Retirement Community. A residential development consisting of living units exclusively serving older persons. Such a development may include facilities for health or convalescent care, ancillary support services and community services to service persons of retirement age in the surrounding area. At least one resident of each household shall be at least 55 years of age or be the surviving spouse of a deceased resident who was at least 55 years of age. In addition, the care of persons with disabilities shall be permitted in Assisted Living Facilities. Such use shall meet the applicable requirements of Section 402.

Right-of-Way. An area or strip of land which is reserved for use by or as a street or by one or more utilities or by the public or by others. The term "Right-of-Way" by itself shall mean the Street Right-of-Way that will exist after completion of a subdivision or development, unless another meaning is otherwise stated or clearly implied from the context in which it is used.

A. Street Right-of-Way, Existing or Legal. The official established street right-of-way that either the Township or the State presently own or hold another interest in the land, or will own after the completion of any proposed subdivision, land development or development of a use under this Ordinance, whether by dedication or otherwise.

Rooming House. See "Boarding House."

School, Public or Private Primary or Secondary School. An educational institution primarily for persons between the ages of 5 and 19 that primarily provides State-required or largely State-funded educational programs. This term shall not include "Trade Schools."

Screening. Year-round plant material of substantial height and density designed to provide a buffer. See requirements in Section 803.D.

Self-Storage Development. A building or group of buildings divided into individual separate access units which are rented or leased for the storage of personal and small business property.

Setback Line. A line separating a "yard" from the area within which a building or use is allowed.

Sewage Service, Central. Sanitary sewage service to a building by a Township-approved sewage collection and disposal system that serves 5 or more lots, dwelling units, or equivalent dwelling units, or combination thereof, and which includes an appropriate mechanism to ensure long-term professional operation and maintenance of the system which could include Public Sewage Service.

Sewage Service, Central Land Disposal of Sewage Effluent: A central sewage service system approved by the Pennsylvania Department of Environmental Protection (DEP) where domestic sewage effluent is applied to the land in accord with DEP regulations, and which includes an appropriate mechanism to ensure long-term professional operation and maintenance of the system which could include Public Sewage Service. Such systems may include a central system using drip irrigation, spray irrigation, disposal beds, or other method approved by DEP.

Sewage Service, On-Lot. Sanitary sewage service to a building that does not meet the definition of Central Sewage Service, such as but not limited to an individual on-lot septic system.

Sewage Service, Public. Central sanitary sewage service by a system owned and/or operated by a municipality or a municipal authority.

Sight Triangle. An area required to be kept free of certain visual obstructions to traffic. See Section 803.

Sign. Any physical device for visual communication that is used for the purpose of attracting attention from the public and that is visible from beyond an exterior lot line, including all symbols, words, models, displays, banners, flags, devices or representations. See definitions of types of signs in Sections 711 and 703. This shall not include displays that only involve symbols that are clearly and entirely religious in nature, and which do not include advertising.

Sign Area. See Section 711.

Sign, Off-Premise. A sign which directs attention to an object, product, service, place, activity, person, institution, organization, or business that is primarily offered or located at a location other than the lot upon which the sign is located.

Single and Separate Ownership. The ownership of a lot by 1 or more persons, partnerships or corporations, which ownership is separate and distinct from that of any abutting or adjoining lot.

Solid Waste, Municipal. The definition in DEP regulations, as amended, shall apply.

**Solid Waste-to-Energy Facility.** An area where municipal solid waste and similar materials are incinerated or otherwise processed to result in usable energy for off-site use.

**Solid Waste Landfill.** An area where municipal solid waste and similar materials is deposited on land, compacted, covered with soil and then compacted again, and which has a permit from DEP to operate as a sanitary landfill.

**Solid Waste Transfer Facility.** Land or structures where solid waste is received and temporarily stored, at a location other than the site where it was generated, and which facilitates the bulk transfer of accumulated solid waste to a facility for further processing or disposal. Such facility may or may not involve the separation of recyclables from solid waste. Such facility shall not include a junkyard, leaf composting, clean fill or septage or sludge application.

**Special Exception.** A use for which the Zoning Hearing Board may grant permission following a public hearing and findings of fact consistent with this Ordinance, provided the use complies with the conditions and standards required by this Ordinance. See Section 116.

**Specified Sexual Activities.** One or more of the following:

- A. Human male genitals in a visible state of sexual stimulation.
- B. Acts of human masturbation, sexual intercourse, oral sex or sodomy.
- C. Fondling or other erotic touching of human genitals. See definition of "Adult Use."

**State.** The Commonwealth of Pennsylvania and its agencies.

**Story (and Half-Story).** A level of a building routinely accessible to humans having an average vertical clearance from floor to ceiling of 6.5 feet or greater shall be considered a full story, except as provided for in the definition of "basement." Any level of a building having an average vertical clearance from floor to ceiling of less than 6.5 feet shall be considered a "half-story."

**Street.** A public or private thoroughfare which provides the principal means of vehicle access to 3 or more lots or that is an expressway, but not including an alley or a driveway. The terms "street", "highway" and "road" have the same meaning and are used interchangeably.

**Street Classification.** The Subdivision and Land Development Ordinance includes descriptions of different types of streets. Based primarily upon the Comprehensive Plan, the following classifications shall apply for existing streets:

- A. Arterial Streets - U.S. Route 209, PA. Route 115, State Route 3017 (Old Route 115 south of U.S. Route 209).
- B. Collector Streets - Jonas Road, Sugar Hollow Road, Merwinsburg Road, PA. Route 715, Effort-Neola Road, Gilbert Road, and Weir Lake Road.
- C. All other existing streets shall be considered Local Streets for the purposes of this Ordinance. This classification is not intended to distinguish public versus private streets.

**Structure.** Any man-made object having a stationary location on, below or in land or water, whether or not affixed to the land. Any structure shall be subject to the principal or accessory setbacks of this Ordinance, as applicable, unless specifically exempted or unless a specific setback is established for that particular type of structure by this Ordinance. For the purposes of this Ordinance, wells and septic systems shall not be considered structures, and shall not be subject to minimum zoning setback requirements.

**Subdivision.** The definition in the Subdivision and Land Development Ordinance shall apply.

**Subdivision Ordinance or Subdivision & Land Development Ordinance.** The Chestnuthill Township Subdivision and Land Development Ordinance, as amended.

Swimming Pool, Household or Private. A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for bathing or swimming and that is intended to serve the residents of only 1 dwelling unit and their occasional guests. See Section 403.

Swimming Pool, Non-Household. A man-made area with walls of man-made materials intended to enclose water at least 30 inches deep for bathing or swimming and that does not meet the definition of a "household" swimming pool.

Tavern. A place where alcoholic beverages are served as a primary or substantial portion of the total trade and which does not meet the definition of an "after-hours club." The sale of food may also occur. See also the definition of restaurant.

Theater. A building or part of a building devoted to the showing of motion pictures or theatrical or performing arts productions as a principal use, but not including an outdoor drive-in theater or adult movie theater.

Tire Storage, Bulk. The storage of more than 150 used tires on a lot. See "Outdoor Storage" in Section 403.

Townhouse. See "Dwelling Types."

Township. Chestnuthill Township, Monroe County, Pennsylvania.

Trade/Hobby School or Trade School. A facility that: a) is primarily intended for education of a work-related skill or craft or a hobby and b) does not primarily provide State-required education to persons under age 16. Examples include a dancing school, martial arts school, cosmetology school or ceramics school.

Tradesperson. A person involved with building trades, such as but not limited to: plumbing, electrical work, building construction, building remodeling, and roofing.

Transfer of Development Rights. An optional process, authorized under Section 313, that allows the residential density that would otherwise be allowed on one tract to be transferred to increase the density on another tract. The developer of the second tract compensates the owner of the first tract for preserving their land, based upon an agreement negotiated and accepted by both parties.

Treatment Center - A use (other than a prison or a hospital) providing housing for 3 or more unrelated persons who need specialized housing, treatment and/or counseling because of:

- A. criminal rehabilitation, such as a criminal halfway house;
  - B. current addiction to a controlled substance that was used in an illegal manner or alcohol; and/or
  - C. a type of mental illness or other behavior that causes a person to be a threat to the physical safety of others.
- See standards in Section 402.

Also, a group home that exceeds the number of residents allowed by this Ordinance shall be regulated as a Treatment Center, unless approved otherwise under Section 111.D.

Truck Stop. A commercial use that primarily involves providing fuel to tractor-trailer trucks owned by numerous different companies. Such use may also include related retail sales and repair services.

Unit for Care of Relative. A dwelling unit that: a) is especially created for and limited to occupancy by a close "relative" of the permanent residents of the principal dwelling unit, b) is necessary to provide needed care and supervision to such relative, and c) meets the requirements for such use in Section 403.

Unregistered Vehicle. Any motor vehicle or trailer that does not display a license plate with a current registration sticker and does not have a valid State safety inspection sticker. This term shall not apply to vehicles (such as

licensed antique cars) for which State regulations do not require an inspection sticker. The term also shall not include motor vehicles displaying a license and inspection stickers that have each expired less than 90 days previously.

Use. The purpose, activity, occupation, business or operation for which land or a structure is designed, arranged, intended, occupied or maintained. Uses specifically include but are not limited to the following: activity within a structure, activity outside of a structure, any structure, recreational vehicle storage or parking of commercial vehicles on a lot.

Variance. The granting of specific permission by the Zoning Hearing Board to use, construct, expand or alter land or structures in such a way that compliance is not required with a specific requirement of the Zoning Ordinance. Any variance shall only be granted within the limitations of the PA. Municipalities Planning Code. See Section 111.

Wall. See "Fence."

Warehouse. A building or group of buildings primarily used for the indoor storage, transfer and distribution of products and materials, but not including retail uses or a truck terminal, unless such uses are specifically permitted in that zoning district.

Water Service, Central. Water supply service to a building by a Township-approved water supply system that serves 20 or more lots, and which includes an appropriate mechanism to ensure long-term professional operation and maintenance of the system.

Water Service, On-Lot. Water supply service to a building that does not meet the definition of Central Water Service, such as but not limited to an individual on-lot well.

Water Service, Public. Central water service by a system owned and/or operated by a municipality or a municipal authority.

Wetlands. An area of land and/or water meeting one or more definitions of a "wetland" under Federal and/or Pennsylvania law and/or regulations.

Yard. An area not permitted to be covered by buildings and principal structures and that is on the same lot as the subject structure or use. A minimum yard is also known as a minimum setback. Each required yard shall be measured inward from the abutting "lot line," existing street right-of-way or setback required from a street under Section 807, whichever is most restrictive. Regulations of each district prohibit principal and accessory structures within the specified minimum yards.

A. See yard/setback exceptions in Section 803.B.

B. Private Streets - For a building setback measured from a private street, the setback shall be measured from the existing street right-of-way/easement or 15 feet from the center of the cartway, whichever is more restrictive.

Yard, Front or "Front Setback". A "yard" measured a distance measured from and running parallel to the front lot line, street right-of-way line or setback required by Section 807, whichever is most restrictive. Such yard shall extend the full width of the lot from side lot line to side lot line.

A. The front yard shall be on a side that faces towards a public street, whenever one public street abuts the lot. If a lot abuts two streets, the front yard shall be whichever side is the predominant front yard for neighboring properties. If no side is predominant, then the applicant may choose which is the front yard.

B. See Section 803 concerning yards along corner lots.

C. No accessory or principal structure shall extend into the required front yard, except as provided in this Ordinance.

D. Every lot shall include at least one front lot line.

Yard, Rear or "Rear Setback".

- A. A "yard" extending the full width of the lot and which is measured from along the rear line and which establishes the minimum setback for the subject structure, and which stretches between the side lot lines parallel to the rear lot line.
- B. A principal building shall not extend into the required rear yard setback for a principal building, and an accessory structure shall not extend into the required rear yard for an accessory structure, except as provided in this Ordinance.
- C. Every lot shall include a rear lot line and a rear yard.

Yard, Side or "Side Setback".

- A. A "yard" which establishes the minimum setback for the closest portion of the subject structure, and which is measured from along the entire length of the side lot line, and which extends from the front setback line to the rear lot line.
- B. A structure shall not extend into the applicable minimum side yard setback, except as provided for in this Ordinance.
- C. See "Corner Lot" provision in Section 803.B.
- D. A triangular lot shall include one side yard. All other lots shall include at least 2 side yards, except for a corner lot.

Zoning Map. The Official Zoning Map of Chestnuthill Township, Monroe County, Pennsylvania.

Zoning Officer. The person charged with the duty of enforcing the provisions of the Zoning Ordinance, and any officially designated assistant.

Zoning Ordinance. The Chestnuthill Township Zoning Ordinance, as amended.

## **ARTICLE 3 DISTRICTS**

### **301. DESIGNATION OF DISTRICTS AND PURPOSES.**

- A. For the purpose of this Ordinance, Chestnuthill Township is hereby divided into the following zoning districts, with the following abbreviations:

CR	Conservation Residential District
RR	Rural Residential District
R-1	Low Density Residential District
R-2	Medium Low Density Residential District
R-3	Medium High Density Residential District
R-S	Special Residential District
VC	Village Commercial/Residential District
GC	General Commercial District
LIC	Light Industrial/Commercial District
GI	General Industrial District
BP	Business Park Overlay District

- B. For the purposes of this Ordinance, the zoning districts named in Section 301.A. shall be of the number, size, shape and location shown on the "Official Zoning Map." Any use of the abbreviations listed in Section 301.A. shall mean the district name that is listed beside the abbreviation.

C. Overlay Districts.

1. Floodplain Overlay District - The Floodplain Area, as defined by Article 5, shall serve as an overlay district to the applicable underlying district.
2. The Conservation Subdivision Design Overlay District is hereby created to promote the conservation of open lands in the Township. The District shall apply in CR, RR, R-1, R-2 and R-3 Districts and in addition to all the applicable standards of this Zoning Ordinance, the requirements of Section 317 shall apply.

- D. Purposes of Each District. In addition to serving the overall purposes of this Ordinance, the specific purposes of each zoning district are summarized below:

1. CR Conservation Residential District - To provide for very low-intensity development in areas with significant important natural features, such as wetlands, flood-prone lands and very steeply sloped areas. To protect the water quality and habitats along creeks, and promote groundwater recharge. To recognize that certain of these areas do not have sufficient road access for intense development. To provide a certain amount of flexibility in lot layout through lot averaging so that development can be clustered on the most suitable portions of a tract of land, while still avoiding overly intense development. To encourage the voluntary transfer of density from these areas to areas that are suitable for more intense development.
2. RR Rural Residential District - To provide for low intensity development in areas that are unlikely to ever be served by public water and sewage services. To recognize that many of



these areas include sensitive natural features, particularly steep slopes and wetlands. To protect the water quality and habitats along creeks, and promote groundwater recharge. To provide a certain amount of flexibility in lot layout through lot averaging so that development can be clustered on the most suitable portions of a tract of land, while still avoiding overly intense development. To encourage the voluntary transfer of density from these areas to areas that are suitable for more intense development.

3. R-1 Low Density Residential District - To provide for low density residential neighborhoods that are primarily composed of single family detached dwellings. To protect these areas from incompatible uses.
4. R-2 Medium Low Density Residential District - To provide for medium low density residential neighborhoods. To protect these areas from incompatible uses. To encourage "one home, one lot" development in order to promote home ownership and neighborhood stability. To make sure that "infill" development is consistent with neighboring development.
5. R-3 Medium Density Residential District - To provide for medium density residential neighborhoods with a mix of housing types. To protect these areas from incompatible uses. To meet requirements of State law to provide opportunities for manufactured/mobile home parks, in addition to other housing types. To make sure that these uses are compatible with adjacent uses.
6. R-S Special Residential District - See Section 308.A.
7. VC Village Commercial/Residential District - To preserve the historic character of the older villages of the Township. To promote an appropriate mix of retail, service, office, public, institutional and residential uses. To avoid heavy commercial uses that are most likely to conflict with the historic character, and which are most likely to cause demolition of historic buildings. To primarily provide for smaller-scale uses that utilize existing historic buildings, as opposed to uses that would involve substantial demolition. To avoid heavy commercial uses that would be incompatible with nearby homes. To promote uses that will provide a pedestrian-orientation and that promote bicycling. To seek to extend the best features of older development into newer development.
8. GC General Commercial District - To provide for a variety of commercial uses in areas that have few historic buildings and that include few homes. To provide for uses that are more auto-related (such as car washes and gas stations) than uses allowed in the VC district. To carefully locate commercial areas and commercial driveways to minimize traffic safety and congestion problems along major roads.
9. LIC Light Industrial/Commercial District - To provide for light industrial, office and commercial development in a manner that is compatible with any nearby homes. To carefully control the types of industrial operations to avoid nuisances (such as excessive noise) and hazards. To avoid residential uses that would conflict with industries. To encourage coordinated development, particularly in regard to traffic access.
10. GI General Industrial District - To meet requirements of State law to provide opportunities for a wide range of business uses. To carefully control industrial uses to avoid significant nuisances and hazards, particularly to neighboring residences.

11. BP Business Park Overlay District - To provide an optional type of development if an applicant submits a proposal for a fully unified development tract. To provide for light industrial, office and some related commercial development in a manner that is compatible with any nearby homes. To carefully control the types of industrial operations to avoid nuisances (such as excessive noise) and hazards. To encourage coordinated development, particularly in regard to traffic access, with use of interior roads.

302. **APPLICATION OF DISTRICT REGULATIONS.**

- A. The regulations set by this Ordinance shall apply uniformly to each class or kind of structure or land, except as provided for in this Ordinance.
- B. No structure shall hereafter be erected, used, constructed, reconstructed, structurally altered or occupied and no land shall hereafter be used, developed or occupied unless it is in conformity with the regulations herein specified for the use and district in which it is located.
- C. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- D. Boundary Change. Any territory which may hereafter become part of the Township through annexation or a boundary adjustment shall be classified as the RR zoning district of Chestnuthill Township until or unless such territory is otherwise classified by Board of Supervisors.

303. **ZONING MAP.**

- A. A map entitled "Chestnuthill Township Zoning Map" accompanies this Ordinance and is declared a part of this Ordinance. The Official Zoning Map, which should bear the adoption date of this Ordinance and the words "Official Zoning Map," shall be retained in the Township Building.
- B. Map Changes. Changes to the boundaries and districts of the Official Zoning Map shall only be made in conformity with the amendment procedures specified in the PA. Municipalities Planning Code. All changes should be noted by date with a brief description of the nature of the change, either on the map or within an appendix to this Ordinance.
- C. Replacement Map. If the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of changes and additions, or needs to have drafting errors or omissions corrected, Township Supervisors may, by resolution, adopt a new copy of the Official Zoning Map which shall supersede the prior Official Zoning Map. Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any remaining parts shall be preserved together with all available records pertaining to its previous adoption or amendment.

304. **DISTRICT BOUNDARIES.** The following rules shall apply where uncertainty exists as to boundaries of any district as shown on the Zoning Map.

- A. District boundary lines are intended to follow or be parallel to the center line of street rights-of-way, streams and railroads, and lot lines as they existed on a recorded deed or plan of record in the County Recorder of Deeds' office at the time of the adoption of this ordinance, unless such district boundary lines are fixed by dimensions as shown on the Official Zoning Map.

- B. Where a district boundary is not fixed by dimensions and where it approximately follows lot lines, such boundary shall be construed to follow such lot lines unless specifically shown otherwise.
- C. The location of a district boundary on un-subdivided land or where a district boundary divides a lot shall be determined by the use of the scale appearing on the Zoning Map unless indicated otherwise by dimensions.
- D. Where a municipal boundary divides a lot, the minimum lot area shall be regulated by the municipality in which the principal use(s) are located, unless otherwise provided by applicable case law. The land area within each municipality shall be regulated by the use regulations and other applicable regulations of each municipality.

305. **SETBACKS ACROSS MUNICIPAL BOUNDARIES.**

- A. Intent - To continue the objective of compatible land uses across municipal boundaries.
- B. This Ordinance requires additional setbacks and the provision of buffer yards when certain uses would abut an existing dwelling or a residential zoning district.
- C. These same additional setback and buffer yard provisions shall be provided by uses proposed within Chestnuthill Township regardless of whether such abutting existing dwelling or principally residential zoning district is located in an abutting municipality and/or in Chestnuthill Township.

306. **TABLE OF PERMITTED USES BY DISTRICT.**

- A. For the purposes of this Section 306, the following abbreviations shall have the following meanings:
  - P = Permitted by right (zoning decision by Zoning Officer)
  - SE = Special exception use (zoning decision by Zoning Hearing Board)
  - C = Conditional use (zoning decision by Board of Supervisors)
  - N = Not Permitted
  - (S. 402) = See Additional Requirements in Section 402
  - (S. 403) = See Additional Requirements in Section 403
- B. Unless otherwise provided by State or Federal law or specifically stated in this Ordinance (including Section 105.B.), any land or structure shall only be used or occupied for a use specifically listed in this Ordinance as permitted in the zoning district where the land or structure is located. Such uses shall only be permitted if the use complies with all other requirements of this Ordinance.

This table is divided into two sections:

1. Primarily Residential Districts, and 2. Primarily Non-Residential Districts.

**See Section 105.B. which generally provides a process for approval of a use that is not listed - based upon similarity to permitted uses and other criteria. Except as provided in such Section 105.B., any other principal use that is not specifically listed as P or SE in the applicable district in this table is prohibited in that district.**

For temporary uses, see Section 103.

Standard subdivisions are permitted on any size parcel of land in the zoning districts stipulated in Section 306 and in accord with the dimensional requirements of Section 307. See the definition of "lot area" in Section 202 which requires the deduction of certain areas of constrained land for the calculation of lot area in standard subdivisions not using

conservation design or lot averaging. Lot averaging subdivisions are permitted on any parcel of land twenty (20) acres or less in the zoning districts stipulated in Section 306 and in accord with Section 311. Conservation subdivisions are permitted on any parcel of land six (6) acres or more in the zoning districts stipulated in Section 306 and in accord with Section 317.

### 306.B.1. PRIMARILY RESIDENTIAL DISTRICTS

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS					
	CR	RR	R-1	R-S	R-2	R-3
<b>a. RESIDENTIAL USES</b>						
Single Family Detached Dwelling (Manufactured homes shall meet the additional requirements of Section 402)	P	P	P	P	P	P
Single Family Detached Dwellings within the Lot Averaging requirements of Section 311	C	C	C	N	N	N
Twin Dwelling, side-by-side, with each new dwelling unit on its own fee-simple or condominium lot	N	N	N	N	P	P
Townhouse/ Rowhouse (S. 402), with each new dwelling on its own fee-simple or condominium lot	N	N	N	N	P	P
Apartments (S. 402), other than conversions of existing building	N	N	N	N	N	P
Manufactured/Mobile Home Park (S. 402)	N	N	N	N	N	SE
Boarding House (includes Rooming House)	N	N	N	N	N	N
Group Home within a lawful existing dwelling unit (S.402), not including a Treatment Center	P	P	P	P	P	P
Conversion of an Existing Building to Result in an Increased Number of Dwelling Units (See also "Unit for Care of Relative" under Accessory Uses)	N	N	N	N	N	N
Conservation Subdivision accord with Section 317	P	P	P	N	P	P
<b>b. COMMERCIAL USES</b>						
Bed and Breakfast Inn (S. 402)	N	SE	SE	SE	N	N
Camp (S. 402; other than recreational vehicle campground)	SE	N	N	N	N	N
Campground, Recreational Vehicle (S. 402)	N	N	N	N	N	N
Commercial Communications Antennae/Tower (S. 402)						
- Meeting Section 402.A.14.a. pertaining to antenna placed on existing certain structures	P	P	P	P	P	P
- Antennae/tower that does not meet Section 402.A.14.a.	SE	SE	N	N	N	N
Farm-Related Business (S. 403)	P	P	P	P	P	P
Golf Course, with a minimum lot area of 50 acres (S. 402)	P	P	P	P	P	P
Picnic Grove, Private (S. 402)	SE	N	N	N	N	N

P	=	Permitted by right (zoning decision by Zoning Officer)
SE	=	Special exception use (zoning decision by Zoning Hearing Board)
C	=	Conditional use (zoning decision by Board of Supervisors)
N	=	Not permitted
(S. 402)	=	See Additional Requirements in Section 402
(S. 403)	=	See Additional Requirements in Section 403

**TYPES OF USES**  
(See definitions in Article 2)

**ZONING DISTRICTS**  
CR RR R-1 R-S R-2 R-3

**b. COMMERCIAL USES (cont.)**

Plant Nursery						
- With any on-site retail sales limited to plant materials primarily grown on the premises	P	P	P	P	P	P
- Other	N	N	N	N	N	N
Recreation, Outdoor (S. 402) as a commercial use or as part of a membership club, limited to boating, fishing, hunting and closely similar uses, but not including vehicle racing, recreational vehicle campground or any use listed separately in this Section 306	SE	SE	SE	SE	SE	SE

**c. INSTITUTIONAL USES**

Cemetery, which shall not include a Crematorium	P	P	P	P	P	P
Community Center, Youth Recreation Center or Library	N	N	N	N	SE	SE
Day Care Center, Adult (S. 402)	N	N	N	N	N	SE
Day Care Center, Child (S. 402) (See also as an accessory use)	N	N	N	N	SE	SE
Membership Club, other than an "After Hours Club" or "Tavern" or uses listed separately in this Section	N	N	N	N	N	SE
Nursing Home or Assisted Living Facility/ Personal Care Home (S. 402)	N	N	N	N	SE	SE
Place of Worship (S. 402)	N	SE*	SE*	SE*	SE*	SE*
School, Public or Private, Primary or Secondary(S.402)	N	N	N	N	P	P

**d. PUBLIC/ SEMI-PUBLIC USES**

Township-Owned Uses, other than uses listed separately in this Section 306	SE	SE	SE	SE	SE	SE
Government Facility, other than uses listed separately in this Section 306	N	N	N	N	SE	SE
Emergency Services Station, which may include a supporting social club facility	N	N	N	N	SE	SE
Publicly Owned or Publicly Operated Recreation (S. 402)	P	P	P	P	P	P
Public Utility Facility (See also Section 114) (other than Commercial Communications Antennae)	N	N	N	N	SE	SE
Swimming Pool, Non-household (S. 402)	N	SE	SE	SE	SE	SE
U.S. Postal Service Facility, which may include a leased facility	N	N	N	N	N	N

- P = Permitted by right (zoning decision by Zoning Officer)  
N = Not permitted.  
SE = Special exception use (zoning decision by Zoning Hearing Board)  
C = Conditional use (zoning decision by Board of Supervisors)  
\* See Section 402 regarding abutting street.  
(S. 402) = See Additional Requirements in Section 402  
(S. 403) = See Additional Requirements in Section 403

**TYPES OF USES**  
(See definitions in Article 2)

**ZONING DISTRICTS**

CR	RR	R-1	R-S	R-2	R-3
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**e. ACCESSORY USES**

See list of additional permitted uses in Section 306.C., such as "Residential Accessory Structure or Use"  
See Additional Requirements in Section 403 for Specific Accessory Uses.

Agricultural Products, Accessory Retail Sale of (S. 403)	P	P	P	P	P	P
Day Care Center accessory to and on the same lot as an existing lawful Place of Worship, with a minimum lot area of 2 acres	P	P	P	P	P	P
Day Care (S. 403) as accessory to a dwelling:						
- Day care of a maximum of 3 adults or youth, in addition to "Relatives" of the caregiver	P	P	P	P	P	P
- Group Day Care Home	N	N	N	N	SE	SE
- Family Day Care Home	SE	SE	SE	SE	SE	P
Home Occupation, General (S. 403)	SE	SE	SE	SE	SE	SE
Home Occupation, Light (S. 403)	P	P	P	P	P	P
Unit for Care of Relative (S. 403)	P	P	P	P	P	P

**f. MISCELLANEOUS USES**

Crop Farming and Wholesale Greenhouses (other than mushroom raising)	P	P	P	P	P	P
Forestry (S. 402)	P	P	P	P	P	P
Groundwater Withdrawal, averaging more than 10,000 gallons per day removed from a lot for off-site consumption (S. 402)	SE	SE	SE	SE	SE	SE
Mushroom Raising	N	N	N	N	N	SE
Nature Preserve, Wildlife Sanctuary or Environmental Education Center	P	P	P	P	P	P
Parking Lot as the Principal Use of a Lot	N	N	N	N	N	N
Raising of Livestock (S. 402)						
- Intensive	SE	SE	N	N	N	N
- Other	P	P	P	P	P	P
Sewage Sludge, Land Application of	SE	SE	SE	SE	SE	SE
Stable, Non-Household (S. 402)	P	P	SE	N	SE	SE
All Uses that will be unable to comply with the performance standards of this ordinance, especially including the "Environmental Protection" requirements of Article 5	N	N	N	N	N	N

- P = Permitted by right (zoning decision by Zoning Officer)  
SE = Special exception use (zoning decision by Zoning Hearing Board)  
C = Conditional use (zoning decision by Board of Supervisors)  
N = Not permitted  
(S. 402) = See Additional Requirements in Section 402  
(S. 403) = See Additional Requirements in Section 403

### 306.B.2. PRIMARILY NON-RESIDENTIAL DISTRICTS

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS				
	VC	GC	LIC	GI	BP**
<b>a. RESIDENTIAL USES</b>					
Single Family Detached Dwelling (manufactured/mobile home must meet the additional requirements of Section 402)	P	N***	N	N	**
Conversion of a Building that existed at the time of adoption of this Ordinance into additional dwelling units (S. 402)	SE	N	N	N	**
Boarding or Rooming House (S. 402)	SE	N	N	N	**
Group Home within a lawful pre-existing dwelling unit (S.402), not including a Treatment Center	P	P	P	P	**
Other Residential Uses	*	N	N	N	**
Conservation Subdivision in accord with Section 317	N	N	N	N	N
<b>b. COMMERCIAL USES</b>					
Adult Use (S. 402)	N	N	SE	N	N
After Hours Club (Note - This use is effectively prohibited by State Act 219 of 1990)	N	N	N	N	N
Airport or Heliport (S. 402)	N	N	SE	N	N
Amusement Arcade	N	P	N	N	N
Animal Cemetery (S. 402)	N	SE	SE	SE	N
Auto Repair Garage or Service Station (S. 402)	N	P	P	N	N
Auto, Boat or Mobile/Manufactured Home Sales (S. 402)	N	P	P	N	N
Bakery, Retail	P	P	P	N	N
Bed and Breakfast Inn (S. 402)	P	P	P	N	P
Bus Terminal	P	P	P	P	P
Betting Use	N	N	SE	N	N
Beverage Distributor, which may include retail and/or wholesale sales	P	P	P	N	P
Camp (S. 402), other than Recreational Vehicle Campground	P	P	P	P	N
Campground, Recreational Vehicle (S. 402)	N	P	P	P	N
Car Wash (S. 402)	N	P	P	N	N
Catering, Custom, for Off-Site Consumption	P	P	P	P	P

P = Permitted by right (zoning decision by Zoning Officer)

N = Not permitted

SE = Special exception use (zoning decision by Zoning Hearing Board)

C = Conditional use (zoning decision by Board of Supervisors)

(S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

\* Within the VC District, dwellings may be developed under the regulations of the R2 District, instead of the regulations of the VC District. The housing types allowed in the R2 District shall be allowed in the same manner in the VC district.

\*\* See additional provisions in Section 316. The BP District is an optional “overlay” district, which first requires conditional use approval of the overall development. Residential uses may be allowed under the provisions of the underlying district.

\*\*\* Single family detached dwellings shall be allowed in the GC District if:

- An existing lot was originally approved for residential purposes, in which case the dwelling shall be a permitted by right use; or
- The applicant proves to the Zoning Hearing Board as a special exception that the land area would be more suitable for residential than commercial purposes.

TYPES OF USES  
(See definitions in Article 2)

ZONING DISTRICTS  
VC GC LIC GI BP\*\*

b. COMMERCIAL USES (Cont.)

Communications Tower/Antennae, Commercial (S. 402)					
- Meeting Section 402.A.14.a. pertaining to antenna placed on certain existing structures	P	P	P	P	P
- Antennae/tower that does not meet Section 402.A.14.a.	SE	SE	SE	SE	SE
Conference Center	P	P	P	N	P
Construction Company or Tradesperson's Headquarters (including but not limited to landscaping, building trades or janitorial contractor). See also as Home Occupation. Accessory outdoor storage shall be permitted provided it meets the plant screening requirements of Sections 803 and 804.	P	P	P	P	P
Crafts or Artisan's Studio (see also as Home Occupation)	P	P	P	P	P
Custom Printing, Photocopying, Faxing, Mailing or Courier Service	P	P	P	P	P
Exercise Club	P	P	P	P	P
Farm-Related Business (S. 403)	P	P	P	P	P
Financial Institution (S. 402; includes banks), with any "Drive-through" facilities meeting Section 403	P	P	P	N	P
Flea Market/ Auction House	P	P	P	N	P
Funeral Home (S. 402)	P	P	P	N	P
Gas Station - See Auto Service Station					
Golf Course (S. 402)	P	P	P	P	N
Greenhouse or Garden Center	P	P	P	P	P
Hotel or Motel (S. 402)	SE	P	P	N	P
Kennel (S. 402)	N	N	N	SE	N
Laundromat	P	P	P	N	P
Laundry, Commercial or Industrial	N	P	P	N	P
Lumber Yard	P	P	P	N	N
Massage Therapy, Certified - See "Personal Services"					
Motor Vehicle Racetrack (S. 402)	N	N	N	SE	N
Office	P	P	P	P	P
Pawn Shop	N	P	N	N	N
Personal Services (includes tailoring, custom dressmaking, haircutting/styling, drycleaning, shoe repair, "massage therapy, certified" and closely similar uses) (See also Home Occupation)	P	P	P	N	P
Picnic Grove, Private (S. 402)	P	P	P	P	P

P = Permitted by right (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

N = Not Permitted

(S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

\*\* See additional provisions in Section 316. The BP District is an optional "overlay" district, which first requires conditional use approval of the overall development.

TYPES OF USES  
(See definitions in Article 2)

ZONING DISTRICTS  
VC GC LIC GI BP\*\*

d. INDUSTRIAL USES (Cont.)



Building Supplies and Building Materials, Wholesale Sales of	P***	P	P	P	P
Distribution as a principal use (other than Trucking Company Terminal)	N	N	SE	P	N
Finishing of Products - See "Assembly"					
Industrial Equipment Sales, Rental and Service, other than vehicles primarily intended to be operated on public streets	N	P	P	P	P
Junk - outdoor storage, display or processing of, other than within an approved junkyard or solid waste disposal area	N	N	N	N	N
Junk Yard (S. 402)	N	N	N	SE	N
Liquid Fuel Storage, Bulk, for off-site distribution, other than: auto service station, retail propane distributor, pre-packaged sales or fuel tanks for company vehicles	N	N	N	SE	N
Manufacture and/or bulk processing of the following, provided manufacturing occurs only indoors:					
- Agricultural Chemicals, Fertilizers or Pesticides	N	N	SE	SE	N
- Apparel, Textiles, Shoes and Apparel Accessories (see also Crafts Studio)	N	P	P	P	P
- Animal Feed	N	N	N	P	N
- Cement Manufacture	N	N	N	P	N
- Ceramics Products (other than Crafts Studio)	N	N	P	P	P
- Chemicals, Manufacture or Bulk Processing of Toxic or "Extremely Hazardous Substances" in amounts in excess of the U.S. EPA Threshold Planning Quantity or substances with similar characteristics	N	N	N	SE	N
- Chemical Products, other than pharmaceuticals and types listed separately (see above)	N	N	SE	SE	SE
- Clay, Brick, Tile and Refractory Products	N	N	P	P	P
- Computers and Electronic and Microelectronic Products	N	P	P	P	P
- Concrete and Cement Products, other than actual manufacture of cement	N	N	P	P	P
- Electrical Equipment, Appliances and and Components	N	P	P	P	P
- Explosives or Ammunition	N	N	N	SE	N
- Fabricated Metal Products (except Ammunition or Explosives) and/or Machine Shops	N	N	P	P	P

P = Permitted by right (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

C = Conditional use (zoning decision by Board of Supervisors) N = Not permitted

(S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

\*\* See additional provisions in Section 316. The BP District is an optional "overlay" district, which first requires conditional use approval of the overall development.

\*\*\* = No such establishment shall exceed a total building floor area of 40,000 square feet.

	TYPES OF USES				
(See definitions in Article 2)	VC	GC	LIC	GI	BP**

#### d. INDUSTRIAL USES (Cont.)

Manufacture and/or bulk processing of the following,  
provided manufacturing occurs only indoors:

- Food (Human) and Beverage Products, at an industrial scale as opposed to a clearly retail scale (not including uses listed individually in this table)	N	P	P	P	P
- Food Products for animals	N	N	N	SE	SE
- Gaskets	N	N	P	P	P
- Glass and Glass Products (other than Crafts Studio)	N	N	P	P	P
- Incineration, Reduction, Distillation, Storage or Dumping of Slaughterhouse Refuse, Rancid Fats, Garbage, Dead Animals or Offal (other than within an approved solid waste facility)	N	N	N	N	N
- Jewelry and Silverware	N	P	P	P	P
- Leather and Allied Products (other than Crafts Studio or Tannery)	N	N	P	P	P
- Lime and Gypsum Products	N	N	P	P	SE
- Machinery	N	N	P	P	P
- Manufactured or Modular Housing	N	N	P	P	P
- Medical Equipment and Supplies	P	P	P	P	P
- Metal Products, Primary	N	N	N	SE	N
- Mineral Products, Non-metallic (other than Mineral Extraction)	N	N	P	P	P
- Paper and Paper Products (including recycling, but not including manufacture of raw paper pulp)	N	SE	P	P	P
- Paper - Raw Pulp	N	N	N	SE	N
- Paving Materials, other than bulk manufacture of asphalt	N	N	SE	SE	SE
- Pharmaceuticals and Medicines	N	SE	P	P	P
- Plastics, Polymers, Resins, Vinyl, Coatings, Adhesives or Sealants	N	N	SE	P	P
- Printing Ink or Photographic Film	N	N	P	P	P
- Products from Previously Manufactured Materials, such as glass, leather, plastics, cellophane, textiles, rubber or synthetic rubber	N	P	P	P	P
- Roofing Materials and Asphalt Saturated Materials	N	N	P	P	P
- Rubber, Natural or Synthetic	N	N	SE	P	P

P = Permitted by right (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

C = Conditional use (zoning decision by Board of Supervisors)

N = Not permitted

(S. 402) = See Additional Requirements in Section 402

(S. 403) = See Additional Requirements in Section 403

\*\* See additional provisions in Section 316. The BP District is an optional “overlay” district, which first requires conditional use approval of the overall development.

**TYPES OF USES**  
(See definitions in Article 2)

**ZONING DISTRICTS**

VC GC LIC GI BP\*\*

**d. INDUSTRIAL USES (Cont.)**

Manufacture and/or bulk processing of the following,  
provided manu: facturing occurs only indoors

- Scientific, Electronic and Other Precision Instruments	N	P	P	P	P
- Soaps and Cleaning Compounds	N	N	P	P	P
- Sporting Goods, Toys, Games, Musical Instruments or Signs	N	P	P	P	P
- Transportation Equipment	N	N	P	P	P
- Wood Products and Furniture (not including raw paper pulp)	N	P	P	P	P
- See Section 105 for uses that are not listed					
Mineral Extraction (S. 402) and related processing, stockpiling and storage	N	SE	SE	SE	N
Packaging	N	P	P	P	P
Package Delivery Services Distribution Center	N	N	P	P	P
Petroleum Refining	N	N	N	SE	N
Photo Processing, Bulk	N	P	P	P	P
Printing or Bookbinding	P	P	P	P	P
Recycling Collection Center (S. 402), Provided all operations of an industrial scale occur within an enclosed building (other than Township-Owned Use)	N	SE	P	P	P
Recycling Center, Bulk Processing, provided all operations of an industrial scale occur within an enclosed building (this use does not include paper processing, a solid waste disposal or transfer facility)	N	N	SE	SE	P
Research and Development, Engineering or Testing Facility or Laboratory	N	N	P	P	P
Sawmill/ Planing Mill	N	N	P	P	P
Self-Storage Development (S. 402)	N	P	P	P	N
Slaughterhouse, Stockyard or Tannery, with a 400 feet minimum setback from all lot lines	N	N	N	SE	N
Solid Waste Landfill (S. 402)	N	N	N	SE	N
Solid Waste Transfer Facility or Waste to Energy Facility (S. 402)	N	N	SE	SE	N
Trucking Company Terminal (S. 402)	N	N	SE	N	N
Warehousing or Storage as a principal use	N	N	P	P	N
Warehousing or Storage as an accessory use	P	P	P	P	P
Welding	N	N	P	P	P
Wholesale Sales (other than Motor Vehicles)	N	P	P	P	P

P = Permitted by right (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

C = Conditional use (zoning decision by Board of Supervisors)

N = Not permitted

**(S. 402) = See Additional Requirements in Section 402**

**(S. 403) = See Additional Requirements in Section 403**

\*\* See additional provisions in Section 316. The BP District is an optional “overlay” district, which first requires conditional use approval of the overall development tract.

**TYPES OF USES**  
(See definitions in Article 2)

**ZONING DISTRICTS**

VC GC LIC GI BP\*\*

**e. INSTITUTIONAL USES**

Cemetery (see Crematorium listed separately)	P	P	P	P	N
College or University - Educational and Support Buildings	N	P	P	P	P
Community Center or Library	SE	P	P	P	P
Crematorium	N	N	N	SE	N
Cultural Center or Museum	SE	P	P	N	P
Day Care Center, Adult (S. 402)	SE***	P	P	N	P
Day Care Center, Child (S. 402) (See also as an accessory use)	SE***	P	P	N	P
Dormitory as accessory to a college, university or primary or secondary school	N	SE	N	N	N
Hospital (S. 402)	N	P	P	N	P
Membership Club meeting and recreational facility, not including an "After Hours Club" or "Tavern" or uses listed separately in this Section	SE***	SE	P	N	P
Nursing Home or Personal Care Home/ Assisted Living (S. 402)	SE***	P	P	N	N
Place of Worship (S. 402)	SE	P	P	P	P
School, Public or Private, Primary or Secondary (S.402)	SE	P	P	N	P
Treatment Center (S. 402)	N	N	N	SE	N

**f. PUBLIC/SEMI-PUBLIC**

Township-Owned Uses	P	P	P	P	P
Government Facility, other than uses separately in this Section 306	SE	SE	SE	SE	SE
Emergency Services Station, which may include a supporting social club building or facility	P	P	P	P	P
Publicly Owned or Publicly Operated Recreation, or Closely Similar Park Open for Public Recreation Use Without Charge	P	P	P	P	P
Public Utility Facility (See also Section 114) or Electric Generating Plant (not including Trash-to-Energy Plant nor commercial communications antennae)	SE	SE	SE	P	SE
Swimming Pool, Non-household (S. 402)	N	P	P	P	P
U.S. Postal Service Facility, which may include a leased facility	P	P	P	P	P

P = Permitted by right (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

N = Not Permitted

**(S. 402) = See Additional Requirements in Section 402**

**(S. 403) = See Additional Requirements in Section 403**

\*\* See additional provisions in Section 316. The BP District is an optional "overlay" district, which first requires conditional use approval of the overall development tract.

\*\*\* = Such use shall include a maximum total floor area of 20,000 square feet.

TYPES OF USES (See definitions in Article 2)	ZONING DISTRICTS				
	VC	GC	LIC	GI	BP**
<b><u>g. ACCESSORY USES</u></b>					
See list of additional permitted uses in Section 306.C., such as "Residential Accessory Structure or Use"					
See Additional Requirements in Section 403 for Specific Accessory Uses.					
Day Care Center accessory to a lawful Place of Worship	P	P	P	P	P
Day Care, Child (see S. 403):					
- Group Day Care Home	P	P	P	N	P
- Family Day Care Home	P	P	P	N	P
Farm-Related Business - See under Commercial Uses					
Home Occupation accessory to a lawful dwelling unit (S. 403):	P	P	P	P	P
Retail Sale of Agricultural Products (S. 403)	P	P	P	P	P
Temporary Retail Sales - See Section 103.G.					
<b><u>h. MISCELLANEOUS USES</u></b>					
Crop Farming	P	P	P	P	P
Forestry (S. 402)	P	P	P	P	P
Groundwater Withdrawal, averaging more than 10,000 gallons per day removed from a lot for off-site consumption (S. 402)	SE	SE	SE	SE	SE
Nature Preserve, Wildlife Sanctuary or Environmental Education Center	P	P	P	P	P
Outdoor Storage and Display as an Accessory or Principal Use (S. 403), other than uses listed separately in this table	P	P	P	P	P
Parking Lot as the Principal Use of a Lot	P	P	P	P	P
Raising of Livestock (S. 402)					
-Intensive	N	N	SE	SE	N
-Other	P	P	P	P	P
Sewage Sludge, Land Application of	N	N	SE	SE	SE
Stable, Non-household (S. 402)	P	P	P	P	P
All Uses that will be unable to comply with the performance standards of this Ordinance, especially including the "Environmental Protection" requirements of Article 5	N	N	N	N	N

P = Permitted by right (zoning decision by Zoning Officer)

SE = Special exception use (zoning decision by Zoning Hearing Board)

C = Conditional use (zoning decision by Board of Supervisors)

N = Not permitted

**(S. 402) = See Additional Requirements in Section 402**

**(S. 403) = See Additional Requirements in Section 403**

\*\* See additional provisions in Section 316. The BP District is an optional "overlay" district, which first requires conditional use approval of the overall development tract.

306.C. Permitted Accessory Uses in All Districts. An accessory use of a dwelling is only permitted if such use is customarily incidental to the residential use and is specifically permitted by this Ordinance. The following are permitted by right as accessory uses to a lawful principal use in all districts, within the requirements of Section 403 and all other requirements of this Ordinance:

1. Standard Antennae, including antennae used by contractors to communicate with their own vehicles\*
2. Fence\* or Wall\*
3. Garage, Household
4. Garage Sale\*
5. Pets, Keeping of\*
6. Parking or Loading, Off-Street, only to serve a use that is permitted in that district
7. Recreational Facilities, limited to use by: residents of a development or students at a primary or secondary school or center for the care and treatment of youth, and their occasional invited guests
8. Residential accessory structure (see definition in Article 2) \*
9. Signs, as permitted by Article 7
10. Swimming Pool, Household \*
11. Such other accessory use or structure that the applicant proves to the satisfaction of the Zoning Officer is clearly customary and incidental to a permitted by right, special exception or conditional principal use.

\* See standard for each in Section 403.

306.D. Permitted Accessory Uses to Business and Institutional Uses. The following are permitted by right accessory uses only to a permitted by right, special exception or conditional commercial, industrial or institutional use, provided that all requirements of this Ordinance are met:

1. Storage of fuels for on-site use or to fuel company vehicles
2. The following accessory uses, provided that the use is clearly limited to employees, patients, residents and families of employees of the use and their occasional invited guests:
  - a. Internal cafeteria without drive-through service,
  - b. Day care center or
  - c. Recreational facilities.
3. Bus Shelters meeting Section 403.
4. Automatic Transaction Machine
5. Storage sheds meeting the requirements of Section 307.A.

### **307.DIMENSIONAL REQUIREMENTS IN EACH DISTRICT.**

307.A. The following area, yard and building requirements shall apply for the specified zoning district, unless a more restrictive requirement for a specific use is required by Sections 402 or 403 or another section of this Ordinance. All measurements shall be in feet unless otherwise stated. See definitions of terms (such as lot width) in Section 202.

Standard subdivisions are permitted on any size parcel of land in the zoning districts stipulated in Section 306 and in accord with the dimensional requirements of Section 307. See the definition of “lot area” in Section 202 which requires the deduction of certain areas of constrained land for the calculation of lot area in standard subdivisions not using conservation design or lot averaging. Lot averaging subdivisions are permitted on any parcel of land twenty (20) acres or less in the zoning districts stipulated in Section 306 and in accord with Section 311. Conservation subdivisions are

permitted on any parcel of land six (6) acres or more in the zoning districts stipulated in Section 306 and in accord with Section 317.

Zoning District: Type of Use	Min. Lot Area (sq.ft.)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
<b>CR Conservation Residential District:</b>  Each lot approved after the adoption of this Ordinance shall include a building site comprised of a minimum of 1 contiguous acre, not including wetlands.  <i>See lot averaging option in Section 311, which allows some 2 acre minimum lots and smaller lot widths.</i>  <i>See conservation subdivision design in Section 317 which is permitted in certain cases and allows reductions in individual lot size and dimensions with overall density based on the minimum required lot size for the district.</i>	217,800 (5 acres).	300	60, except 40 feet (10 feet of which may include an unenclosed porch) along a local street.	60	20	10%	15%

Zoning District: Type of Use	Min. Lot Area (sq.ft.)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
<b>RR Rural Residential and R-1 Low Density Residential Districts:</b> Each lot approved after the adoption of this Ordinance shall include a building site comprised of a minimum of 1 contiguous acre, not including wetlands. <i>See lot averaging option in Section 311, which allows much smaller minimum lot sizes and lot widths.</i> <i>See conservation subdivision design in Section 317 which is permitted in certain cases and allows reductions in individual lot size and dimensions with overall density based on the minimum required lot size for the district.</i> All dwellings shall have a minimum principal building width and length of 18 feet (not including unenclosed structures).	87,120 (2 acres).	200	60, except 40 feet (10 feet of which may include an unenclosed porch) along a local street.	50	15	15%	20%



Zoning District: Type of Use	Min. Lot Area (sq.ft.)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
<b>R-S Special Residential District:</b> a) Without <i>either</i> Township-approved central water service or Township-approved central sewage service b) With Township-approved central water service but not Township-approved central sewage service c) With Township-approved central sewage service but not Township-approved central water service d) With Township-approved central sewage service and Township-approved central water service See also provisions of Section 308.	a) 43,560 (1 acre) b) 35,000 c) 20,000 d) 10,000	a) 150 b) 120 c) 100 d) 80	40 (10 feet of which may include an unenclosed front porch)	a) 50 b) 40 c) 40 d) 40	a) 15 b) 10 c) 10 d) 10	20%	30%

Zoning District: Type of Use	Min. Lot Area (sq.ft.)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
<b>R-2 Medium Low Density Residential District:</b> a) Without either Township-approved central water service or Township-approved central sewage service b) With Township-approved central water <i>or</i> Township-approved central sewage service c) With both Township-approved central water <i>and</i> Township-approved central sewage services: 1) Single family detached dwelling * 2) Twin dwelling unit * 3) Townhouse * 4) Other allowed principal use  <i>See provisions in Section 313 to increase density through Transfer of Development Rights.</i>  <i>See conservation subdivision design in Section 317 which is permitted in certain cases and allows reductions in individual lot size and dimensions with overall density based on the minimum required lot size for the district.</i>	Minimum lot area for each dwelling unit and each principal use:  a) 43,560 (1 acre) b) 39,000 c1) 20,000 c2) minimum average of 20,000 (Note C) c3) minimum average of 20,000 (Note C) c4) 43,560	a) 150 b) 150  c1) 80 c2) 60 per dwelling unit c3) 24 per interior dwelling unit, and 44 for each end unit c4) 150	40 (10 feet of which may include an unenclosed front porch)	30	20, except 0 at the shared lot line of lawfully attached dwelling	25%	50% For a townhouse development, the maximum impervious coverage may be based upon an average for the development.

Zoning District: Type of Use	Min. Lot Area (sq.ft.)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
<b>R-3 Medium Density Residential District:</b> a) Without either Township-approved central water service or Township-approved central sewage service b) With Township-approved central water or Township-approved central sewage service c) With both Township-approved central water and Township-approved central sewage services: 1) Single family detached dwelling * 2) Twin dwelling unit * 3) Townhouse * 4) Apartments, which shall be detached from other buildings 5) Manufactured home parks shall meet the requirements for such use as stated in Section 402, instead of the requirements of this Section. 6) Other allowed principal use  <i>See provisions in Section 313 to increase density through Transfer of Development Rights.</i>  <i>See conservation subdivision design in Section 317 which is permitted in certain cases and allows reductions in individual lot size and dimensions with overall density based on the minimum required lot size for the district.</i>	Minimum lot area for each dwelling unit and each principal use: a) 43,560 b) 39,000  c1) 12,000 c2) minimum average of 12,000 (Note C) c3) minimum average of 12,000 (Note C) c4) minimum average of 12,000 (Note C) c6) 43,560	a) & b) 150  c1) 80 c2) 50 per dwelling unit c3) 20 per interior dwelling unit, and 40 for each end unit (Note B) c4) 150 c6) 150	30 (10 feet of which may include an unenclosed front porch)	30	20, except 0 at the shared lot line of lawfully attached dwellings	50%	60%. For a townhouse development, the maximum impervious coverage may be based upon an average for the development.

Zoning District: Type of Use	Min. Lot Area (sq.ft.)	Min. Lot Width Measured at Min. Building Setback Line (ft.)	Min. Front Yard Setback (ft.)	Min. Rear Yard Setback (ft.) **	Min. Side Yard Setback ** (each) (ft.)	Maximum Percent Building Coverage	Maximum Percent Impervious Coverage
<b>VC Village Commercial/Residential District</b> a) For residential uses allowed within the R-2 district, the regulations of the R-2 district shall apply, instead of the VC district regulations b) Other allowed use	b) 43,560	b) 100, except 200 feet for a new lot approved after the adoption of this Ordinance that will have its own vehicle access directly onto an arterial street.	b) 30, except 60 feet where off-street parking will exist between the principal building and an arterial street.	b) 20 (Note D)	b) 10 (Note D)	b) 60%	b) 80%
<b>GC General Commercial District:</b> a) Vehicle or manufactured home sales or outdoor recreation use b) Other allowed use	a) 87,120 (2 acres) b) 43,560 (1 acre)	100, except 200 for a new lot approved after the adoption of this Ordinance that will have its own vehicle access directly onto an arterial street.	30, except 60 feet where off-street parking will exist between the principal building and an arterial street.	20 (Note D)	15 (Note D)	50%	75%
<b>LIC Light Industrial/Commercial or GI General Industrial or BP Business Park Districts</b> Allowed Use  Within the BP District, conditional use approval is required for the overall development tract before individual lot are allowed. See Section 316.	87,120 (2 acres), except 1 acre for a lot that is deed restricted to non-industrial uses	200, except 300 for a new lot approved after the adoption of this Ordinance that will have its own vehicle access directly onto an arterial street.	50	30 (Note A)	20 (Note A)	50%	75%

Notes: Corner lot setbacks - see Section 803.B.

\* = Each dwelling unit is required to be on its own fee-simple or condominium lot.

\*\* = The following exceptions shall apply:

- For accessory structures and uses, see Section 307.C. below.
- Structures shall not obstruct minimum sight clearance at intersections.
- See Section 803 pertaining to Corner Lots.
- See Section 806 regarding extension of nonconforming setbacks.
- See Section 803 regarding permitted reductions in setbacks to reflect average setbacks of adjacent buildings.
- See Section 807 which may require additional setbacks along existing streets.

(Note A) = Except 40 feet side and 50 feet rear for a principal business use from a directly abutting primarily residential lot in a residential district. A side or rear yard shall be increased to 100 feet for any new or expanded portion of an industrial building or tractor-trailer truck loading dock from the lot line of a primarily residential use in a residential district. See also additional requirements in Section 316 for the BP District.

(Note B) = Except if 2 or more off-street parking spaces per dwelling or garage doors for 2 or more vehicles are located within 20 feet of a public street, then the lot width per dwelling along such street shall be a minimum of 24 feet.

(Note C) = These provisions are intended to allow flexibility in the placement of individual dwelling units, regardless of whether the homes are condominium or fee-simple, and regardless of whether public streets, private streets or parking courts are used. The minimum average lot area per dwelling unit establishes the maximum number of units permitted on a tract of land. The minimum average lot area per dwelling unit shall be calculated after deducting from the total tract size the areas as specified in Section 317.D.4.a.

(Note D) = Except 40 feet side and 50 feet rear for a principal business use from a directly abutting primarily residential lot in a residential district.

Abbreviations: sq. ft. = square feet; min. = minimum; max. = maximum; ft. = feet

307.B. Height. Except as provided in Section 802 or as specified otherwise in this Ordinance for a particular use, the following maximum structure height shall apply in all zoning districts:

1. any structure that is accessory to a dwelling on a lot of less than 5 acres shall have a maximum height of 1.5 stories (with the 1/2 story limited to non-habitable storage areas) or 25 feet, whichever is more restrictive, and
2. the maximum height for any other structure shall be 2.5 stories or 40 feet, whichever is more restrictive.

307.C. Accessory Structures and Uses.

1. Accessory structures and uses shall meet the minimum yard setbacks provided for in Section 307.A., unless otherwise provided for in this Ordinance, including this Section 307.C.
2. An 8 feet wide minimum side and rear yard setback shall apply for a permitted detached structure that is accessory to a dwelling, except:
  - a. The minimum side and rear setback may be reduced to 3 feet for a residential accessory storage shed having a total floor area of less than 150 square feet.
  - b. No setback is required for a structure that is accessory to a dwelling from a lot line along which two dwellings are attached (such as a lot line shared by twin dwellings).
  - c. A residential porch or wood deck that is open along sides not attached to the principal building may extend into a required setback. However, a raised wood deck shall be setback a minimum of: 5 feet

along a side lot line where buildings are detached and 20 feet along a rear lot line. Space under an unenclosed porch may be used for household storage.

- d. See Section 403 for swimming pools.

### **308. ADDITIONAL REQUIREMENTS WITHIN THE R-S SPECIAL RESIDENTIAL DISTRICT.**

- 308.A. Purposes. This District is primarily intended to address areas where there are concentrations of undersized lots and many failing septic systems. This District is intended to encourage the merger of undersized lots to reduce septic problems and to provide adequate separation distances between wells and septic systems. Many lots are so small that it is extremely difficult to install a modern septic system or to upgrade or replace an existing inadequate septic system. This District also is intended to encourage the development of a central water and sewage system in the future to serve this area. This district is also intended to decrease the number and severity of nonconformities.
- 308.B. Within the R-S District, if a principal building is proposed to be constructed, erected or placed on a nonconforming lot, then the following additional requirements shall apply:
1. The applicant shall prove compliance with all applicable well and septic system requirements of this Ordinance, State regulations and other applicable ordinances. See Section 309 below.
  2. The applicant shall prove compliance with all minimum setback requirements of this Ordinance, and all other requirements of this Ordinance, except as may be modified by Section 805 concerning nonconformities. See also Section 308.C.
  3. A lot with a nonconforming lot area in the R-S district shall only be developed as a single permitted by right use and its customary accessory uses.
  4. See Section 801.A. regarding improvements to abutting streets.
- 308.C. Merger of Nonconforming Lots. Within the R-S district, if two abutting lots each have a nonconforming lot area and are held in common ownership at the time of adoption of this Ordinance, then the lots shall hereby be merged into a single lot.
1. For the purposes of this Ordinance, at the effective date of this Ordinance, such nonconforming lots shall hereby be considered to be a single lot and shall not be individually sold, conveyed or developed.
  2. Before any permit is issued for any building construction, expansion, placement or replacement on a lot regulated by this Section 308.C., the applicant shall be required to provide evidence that the deeds have been recorded in a manner that states that the nonconforming lots have been merged into a single lot.
  3. This Section 308.C. shall only apply if one or both of the lots does not include a principal building at the time of adoption of this Ordinance.
  4. This Section 308.C. shall not apply if a lot has a lot area that is equal to 80 percent or greater of the minimum lot area required in the R-S district. For the sole purposes of determining nonconforming lot area under this Section 308.C., wetlands and steep slopes shall not be deleted from the minimum lot area, and the larger lot area requirements of Section 310 within steep slopes shall not apply.

### **309. SEWAGE AND WATER SERVICES.**

- 309.A. Central Water Service. A use shall not be considered to be served by “Township-approved central water service” unless:
1. all applicable requirements of State regulations and the Subdivision and Land Development Ordinance are met,

2. the applicant proves to the satisfaction of the Township that there will be an appropriate system in place to guarantee and properly fund the long-term operation and maintenance of the system by a qualified professional operator, and
3. the applicant proves to the satisfaction of the Township, based upon review of the Township Engineer, that the system will include adequate supply, transmission capacity and pressure to serve the development.

309.B. Central Sewage Service. A use shall not be considered to be served by “Township-approved central sewage service” unless:

1. all applicable requirements of State regulations and the Subdivision and Land Development Ordinance are met,
2. the applicant proves to the satisfaction of the Township that there will be an appropriate system in place to guarantee and properly fund the long-term operation and maintenance of the system by a qualified professional operator, and
3. the applicant proves to the satisfaction of the Township, based upon review of the Township Engineer, that the system will include adequate treatment capacity and conveyance capacity to serve the development.

309.C. Connection to a Larger System. Any new non-public central water or central sewage system shall be engineered and constructed in such a manner as to allow its efficient interconnection in the future into a larger regional system. For example, a development shall include adequate utility easements extending to the borders of the development to allow future interconnections at logical points.

1. Such a system shall include appropriate easements and/or rights-of-way within property controlled by the developer to allow the system to efficiently interconnect with a larger system in the future.
2. If requested by the Board of Supervisors at time of subdivision or land development approval, a central water or sewage system shall be dedicated to a Township Authority after completion of the development, or at such other time as is mutually agreed upon. A developer who dedicates a central water or sewage system to a Township Authority shall retain the right to use or sell the capacity of the system that was funded by the developer. The Township may require a developer to post a bond to guarantee proper operation of a system for at least 2 years after dedication.

309.D. On-Lot Septic Systems.

1. Purpose - To ensure that a suitable location is available for a new septic system if the original septic system should malfunction.
2. This Section 309.D. shall only apply to a lot that is officially submitted for subdivision or land development approval after the adoption of this Zoning Ordinance. This Section 309.D. shall not apply to lot mergers or lot line adjustments.
3. Each lot shall include both a primary and an reserve septic system location. Both locations shall be determined by the Township Sewage Enforcement Officer to meet PA. Department of Environmental Protection regulations for a septic system location prior to approval of the final subdivision or land development plan.
4. The requirement for a reserve septic system location shall not apply to the following:
  - a) a lot of over 10 acres,
  - b) the simple merger of two or more existing lots,
  - c) a vacant lot that includes a permanent deed restriction or conservation easement prohibiting any construction of buildings on the lot,or
  - d) lots within a subdivision or land development that will abut a complete capped sewage system constructed by the developer, the design of which has been approved by the Township.
5. The reserve septic system location shall be kept clear of buildings and parking, and shall be shown on any subsequent applications for new or expanded buildings or parking.

6 Permit Expiration. If a permit for a new septic system was previously approved for a lot, but such system was not constructed, and the testing related to such permit occurred prior to 1990, then such permit shall only be permitted to be renewed once after the adoption date of this Ordinance. If the septic system is not constructed before the permit expires, then a new permit and new testing shall be required in full conformance with current State and Township requirements.

309.E. Well and Septic System Locations. Every plan for a subdivision or land development and every application for a building permit for a new principal building that will be served by a well and/or septic system shall designate the proposed well and primary and alternate septic system locations.

1. Such plan shall show that the proposed locations will meet the minimum isolation distances established by PA. DEP regulations between a well and septic systems on the subject lot and all adjacent lots.
2. A plan may show the outer extent of potential well locations, instead of one exact location, provided all of the potential area would still meet the isolation distance.
3. If the well or septic system location is proposed to be changed from the location shown on the submitted plan, then a site plan showing the revised location shall be submitted for approval by the Zoning Officer and Sewage Enforcement Officer prior to issuance of the building permit.
4. It is requested that well sites be placed in the front yard, thereby allowing septic systems to be placed in the rear yard. The intent is to minimize the visibility of any septic mound systems. In addition, if wells are located in consistent locations within a subdivision, it will make it easier for adjacent property-owners to meet minimum separation distances between septic systems and wells.

309.F. Expansion of Septic Use. If the Zoning Officer has reason to believe that a proposed increase in the number of dwelling units or expansion or change of a non-residential use would result in increased flow to a septic system, then the application shall be referred to the Sewage Enforcement Officer. The Sewage Enforcement Officer shall require modification, expansion or replacement of the septic system if necessary to handle the proposed flow.

### 310. STEEP SLOPES.

310.A. Regrading. Non-man-made slopes of over 15 percent shall not be re-graded after the adoption of this Ordinance in such a manner that circumvents the requirements of this Ordinance. This Section shall not regulate slopes that were clearly man-made prior to the adoption of this Ordinance.

310.B. Slopes Over 25 Percent. Any area with a slope over 25 percent shall not be counted towards the minimum lot area of a lot, for the purposes of determining compliance with any minimum lot area or any tract area requirements of this Ordinance.

310.C. Single Family Dwellings and Steep Slopes.

1. Any lot proposed to be used for a single family detached dwelling shall include a proposed "building area" with a minimum of 5,000 square feet. Such building area shall not include land within the minimum principal building setbacks. Such building area shall contain the proposed location of the dwelling and any primary and alternate on-lot septic system locations.
  - a. If such building area for each lot includes an average slope of greater than 15 percent and less than 25 percent, then the minimum lot area shall be 2 acres, unless a larger lot area is required by another section of this Ordinance.
  - b. If such building area for each lot includes an average slope of 25 percent or greater, then the minimum lot area shall be 5 acres. This 5 acre minimum lot area may be calculated without deleting slopes over 25 percent.



- c. Through designations on the Township-approved site plan, an applicant may limit the area upon which new principal buildings are permitted. In such case, an applicant may provide that no new principal building shall be located on slopes of over 15 percent or slopes of 25 percent or greater, and thereby avoid the regulations of this Section.

2. Access. Each lot shall be accessible from an existing or proposed street by means of a driveway or private accessway with a maximum grade of 15 percent.

310.D. Steep Slopes and Other Uses. A lot shall only be used for buildings for principal uses other than single family detached dwellings if the proposed “building area” includes an average slope of less than 15 percent.

1. For such uses, the “building area” shall include locations of all proposed buildings and parking areas and outdoor storage areas and an area 20 feet around buildings, parking and storage areas. Such building area shall also contain the proposed locations of any primary and alternate on-lot septic systems.
2. Access. Each dwelling and each parking area shall have vehicle access from an existing or proposed street by means of a driveway or private accessway with a maximum grade of 10 percent.

310.E. Site Plan and Tree Protection. If an applicant proposes to alter or build upon slopes of 15 percent or greater, then a site plan shall be submitted to the Zoning Officer. A separate site plan is not required if the same information was included in an approved subdivision or land development plan.

1. Site Plan. The site plan shall show:
  - a. the proposed lot lines,
  - b. the existing and proposed contours and
  - c. existing and proposed building locations, and the outer perimeter of the proposed “building area” as described above.
2. Mature Trees. Where building or alteration is proposed on slopes of over 15 percent, the applicant shall prove to the satisfaction of the Zoning Officer that the removal of healthy trees with a trunk width of over 6 inches (measured at a height 3.5 feet above the ground level) and other attractive natural vegetation will be minimized. The Zoning Officer may ask for reviews by the Township Engineer or Planning Commission. The Site Plan shall show wooded areas to be removed or preserved, and methods to be used to make sure trees are protected by temporary fences or other measures during the construction process.

311. **LOT AVERAGING (Optional Open Space Development).**

311.A. Purposes. To allow flexible development of areas with sensitive natural features in such a way as to:  
a) avoid severe soil erosion and sedimentation, b) avoid severely increased storm water flows and speeds, c) steer development to those areas that are more physically suited for it, d) avoid construction of steep roads that are difficult, time-consuming, and expensive to maintain and snow plow, e) avoid increased use of steep roads and driveways that are dangerous to drive upon in snow and ice, f) to conserve forested areas that are an important part of the ecological cycle, providing for groundwater recharge, air pollution reduction and wildlife habitats and g) reduce construction costs while h) allowing each property owner a reasonable use of their land, related directly to the natural features and location and accessibility of the land.

1. In certain cases, this option will encourage the preservation of significant areas of preserved open space.
2. These provisions also recognize the groundwater supplies and the ability of the ground to treat sewage wastes are limited, and may become overtaxed if the entire Township is developed in one acre minimum lots from end to end.

311.B. Applicability. This article allows an applicant the option to reduce the minimum lot areas on tracts of land if the applicant proves to the satisfaction of the Township that all of the requirements of this Section 311 will be complied with.

1. The term "Lot Averaging Development" shall mean a residential development meeting the requirements of this Section 311 and which is approved as a conditional use, after being reviewed by the Planning Commission.
  - a. Uses. A Lot Averaging Development shall only include single family detached dwellings, nature preserves, Township-owned recreation, a golf course and their customary permitted accessory uses. A mobile/ manufactured home park shall not qualify as a Lot Averaging Development.
2. In the CR, RR, and R-1 Districts any tract, if it existed at the effective date of this Section, of 20 acres or less in common ownership may be eligible for approval for a Lot Averaging Development. Such land area shall be contiguous, except that portions of the tract may be separated by existing or proposed streets or creeks.
  - a. These provisions are intended to allow flexibility in the placement of individual dwelling units, in order to locate homes away from important natural areas.
  - b. For the purposes of this Article, the term "Total Area of the Tract" shall mean the total lot area or the total lot area of contiguous lots in common ownership. However, the Total Area of the Tract shall not include areas with a slope greater than 25 percent, wetlands, nor areas within the existing and future rights-of-way of existing streets and alleys.
    - (1) Storm water detention basins and land proposed to be dedicated as public, semi-public or private open space, preserved agricultural land or a golf course may count towards the total area of the tract.
    - (2) Areas that were preserved by a conservation or agricultural preservation easement *prior* to the submittal of the subdivision shall not be counted towards the area of the tract.
  - c. Areas used for a principal non-residential use (other than uses approved as preserved open space) shall not be included within the land area used to calculate residential density.
  - d. The minimum average lot area per dwelling unit establishes the maximum number of units permitted on a tract of land. The minimum average lot area per dwelling unit shall be calculated based upon the "total area of the tract" divided by the total number of existing and proposed dwelling units on the tract.
    - (1) If a conservation easement or deed restriction permanent prohibits any principal buildings on a lot, then it shall not be counted as a lot for the purposes of determining the average lot area. For example, if a 10 acre lot is divided into 2 residential building lots and a third lot of permanent open space, then 10 acres shall be divided into 2 to determine the average lot area.
  - e. The following are examples of how Lot Averaging is intended to operate within the CR district where a 5 acre minimum average lot area is required. (Note - These examples are based upon lot area after deletion of rights-of-way of existing streets, wetlands and slopes over 25 percent.)

- 1) A 20 acre tract might be subdivided into four lots of 2 acres each. Then the remaining 12 undeveloped acres in a 5<sup>th</sup> lot might be dedicated to the Township or State Game Commission for public recreation.
  - 2) A 20 acre tract might be subdivided into three lots of 2 acres each, and one residential lot including the remaining 14 acres. Such arrangement would be appropriate if the 14 acre lot included the most significant natural areas, and was protected by a conservation easement.
  - 3) A 100 acre tract might be subdivided into 20 lots of 2 acres each. Another 2 acres might be used for a new street. The remaining 58 acre lot would then be protected by a conservation easement, and could be used for a Christmas Tree Farm, plant nursery or other allowed open space use.
  - 4) A single 2 acre lot might be created from a 100 acre tract. The owner of the remaining 98 acres would then retain the right to subdivide the acreage in the future into 19 lots.
- f. The following are examples of how Lot Averaging is intended to operate within the RR or R-1 districts where a 1.5 acre minimum average lot area is required. (Note - These examples are based upon lot area after deletion of rights-of-way of existing streets, wetlands and slopes over 25 percent.)
- 1) A 20 acre tract might be subdivided into 13 lots of 1 acre each. Then the remaining 7 undeveloped acres might be dedicated to the Township, the State Game Commission or a conservancy for public recreation.
  - 2) A 20 acre tract might be subdivided into 12 lots of 1 acre each, an acre for a new street and one residential lot including the remaining 7 acres. Such arrangement would be appropriate if the 7 acre lot included the most significant natural areas, and was protected by a conservation easement.
  - 3) A 100 acre tract might be subdivided into 66 lots of 1 acre each. Nine acres are assumed to be used for streets and a detention basin. The remaining approximately 25 acre lot would then be protected by a conservation easement, and could be used for a Christmas Tree Farm, plant nursery or other allowed open space use.
  - 4) A 100 acre tract might be subdivided into a 40 acre lot and a 60 acre lot. Then sometime in the future, the 40 acre lot could be subdivided into 26 lots averaging 1.5 acres each, and the 60 acre lot could be subdivided into 40 lots averaging 1.5 acres each. For each lot, a one acre minimum would apply.
- g. Conservation easements shall be established on lots as necessary to make sure that the minimum average lot area requirement is met over time. Such conservation easements shall prevent the re-subdivision of lots in a manner that would violate this Section.
- 1) For example, if a 1.5 acre minimum average lot area applies, and a 20 acre lot is proposed to be subdivided into 1 acre lot and a 19 acre lot, then a deed restriction or conservation easement shall be placed on the 19 acre lot in a manner that makes sure the 1.5 acre minimum average will be met in any future subdivisions. In this example, the restriction/easement could require that the parent lot shall always have a minimum lot area of 2 acres to offset the 1 acre lot that was approved.
3. A Lot Averaging Development shall be designed as a unified, coordinated residential development, and shall be approved within a development plan controlled by a single development entity. After final subdivision approval and within an approved development agreement(s), a developer may sell individual lots to different builders or home buyers, provided that the developer or his/her successor remains responsible for ensuring the compliance with the approved development plan.
  4. The application shall be submitted and decided upon as a conditional use, within the procedures of Section 117. The application shall be provided to the Planning Commission for review. **Section 117 requires the Township to act upon an application within a time limit. Also, Section 117 provides that only limited information is required for conditional use approval, not fully engineered subdivision plans.**

311.C. Reduction of Lot Width and Lot Area. If approved as a Lot Averaging Development, then the minimum lot area and minimum lot width of the following districts may be reduced as follows, provided that the minimum preserved open space on the entire tract meets the requirement stated below and all other requirements of this Ordinance. If a particular situation is not described in the first column, then a Lot Averaging Development shall not be permitted in that situation.

Zoning District Name	Non-Lot Averaging Min. Lot Area ** (Square Feet)	Non-Lot Averaging Min. Lot Width (Feet)	Permitted Min. Lot Area in a Lot Averaging Development * (Sq. Feet)	Permitted Min. Lot Width in a Lot Averaging Development (Feet)	<b>Minimum Average Lot Area</b> Per Dwelling Unit, Across the Entire Tract ** (Sq. Feet)
CR Conservation Residential District	217,800	300	87,120	150	217,800
RR Rural Residential District or R-1 Low Density Residential District without Township-approved Central Water and Central Sewage Services	87,120	200	43,560	150	65,340
RR Rural Residential District or R-1 Low Density Residential District with Township-approved Central Water and Central Sewage Services	87,120	200	20,000	90	65,340

Notes: \* Shall be calculated based upon the "Total Area of the Tract" (see definition in Section 311.B.2.).

\*\* Except where the steep slope regulations of Section 310 apply.

Non-Lot Averaging requirements are summarized in the above table for information purposes only.

Min. = Minimum Max. = Maximum

311.D. Other Requirements. Only requirements that are specifically stated in this Article as being adjusted shall differ from what would otherwise apply to a conventional non-Lot Averaging development. All other requirements of this Ordinance and the Township Subdivision and Land Development Ordinance shall still apply to a Lot Averaging Development.

311.E. Conditions for Approval. In addition to the specific requirements of this Section, a Lot Averaging Development shall only be approved if the applicant proves to the satisfaction of the Board of Supervisors, based upon review by the Planning Commission, that the following conditions will be met:

1. That the Lot Averaging Development would clearly serve a valid public purpose that would result in a development that would be superior to what would result if the land would be development as a conventional development. Such valid public purposes include but are not limited to the following:
  - a. The permanent preservation of dense forests, steep slopes, wetlands, creek valleys, highly scenic areas or other sensitive natural features.
  - b. The permanent preservation of a substantial area of land in agricultural uses, in a tract of proper size and configuration that allows for efficient agricultural use and that properly considers the issue of compatibility between the agricultural uses and homes.
  - c. The dedication of public parkland at a site deemed appropriate by the Board of Supervisors and that involves land that is clearly suitable for active and/or passive recreation.
  - d. The Lot Averaging of homes in a location that will be substantially buffered from highly-noxious nuisance-generating uses, such as an expressway or major arterial street.
2. The applicant shall prove that the proposed Lot Averaging Development has been designed in full consideration of important natural features, including mature woodlands, creek valleys, steep slopes and wetlands.
  - a. At a minimum, the applicant shall prove that areas along perennial creeks shall be preserved in their natural state, except for landscaping, erosion control improvements, public recreation improvements and needed utility, street and driveway crossings.
  - b. The natural features of the site shall be a major factor in determining the siting of dwelling units.

311.F. Open Space.

1. Open Space. Land within a Lot Averaging Development may be permanently preserved as public, semi-public or private "Preserved Open Space."
2. Open Space Standards. Any preserved open spaces shall meet all of the following requirements:
  - a. Such open space shall be permanently deed-restricted or protected by an appropriate conservation easement to prevent the construction of buildings or the use for any non-agricultural commercial purposes or the use of the land for clearcut forestry. Land approved as required open space shall only be used for non-commercial active or passive recreation, a Christmas Tree Farm, a golf course, a nature preserve, a wholesale plant nursery and/or Township-approved agricultural uses.
  - b. A Lot Averaging Development shall still meet any recreation land dedication or recreation fee requirements that may apply under the Subdivision and Land Development Ordinance.
  - c. The Township may require the use of conservation easements within a Lot Averaging development to limit the disturbance of natural slopes over 15 percent, wetlands, mature forests, creek valleys and other important natural features.

- d. Improvements to Open Spaces. Where open space is proposed to be used for recreation and/or dedicated to the Township, the application shall include a detailed and legally binding (if approved) description of what improvements the applicant will make to any land intended to be publicly dedicated open space to make it suitable for its intended purpose.
    - (1) Examples of such improvements for areas intended for passive recreation include preservation and planting of trees, development of nature, bicycle or jogging trails, the stabilization of creek banks and the removal of undesirable vegetation.
    - (2) Examples of such improvements for areas intended for active recreation include rough grading of land to create land suitable for free-play fields for youth.
    - (3) Type of Maintenance. Where the open space would not be dedicated to a government entity, the subdivision plan shall state the intended type of maintenance of the open space. The following classes of use and maintenance may be used, or other classes that are clearly described within and approved as part of the plan submittal:
      - (a) Lawn: A grass area with or without trees which may be used by the residents for a variety of purposes and which is intended to be mowed regularly.
      - (b) Natural Area: An area of attractive desirable natural vegetation that is primarily intended for passive recreation, with minimal maintenance. Noxious and poisonous weeds should be controlled. Additional trees as appropriate and wildflowers are recommended to be planted.
      - (c) Recreation Area: An area designated for a specific recreation use, including, but not limited to, tennis, swimming, shuffleboard, playfields and/or children's play equipment. Such areas shall be maintained so as to be safe and appropriate for the intended use.
  - e. All proposed open spaces shall be cleared of construction debris, materials from illegal dumping and any rocks that were not naturally on the land, unless those rocks are incorporated into landscaping improvements.
  - f. The applicant shall prove that all required open space would be suitable for its intended and Township-approved purposes.
  - g. Lots and open spaces shall be located to promote pedestrian and visual access to preserved open spaces whenever possible.
3. Open Space Ownership. The method(s) to be used to own, preserve and maintain any preserved open space shall be acceptable to the Township. The Township shall only approve a Lot Averaging Development if the applicant proves there will be an acceptable method to ensure permanent ownership, preservation and maintenance of land that will not be included in individual home lots.
- a. The method of ownership and use of any required preserved open space shall be determined prior to preliminary subdivision or land development approval. The Township should be given right of first refusal at the time of such review to accept proposed open space as public open space. Required open space shall be permanently preserved by one or a combination of the following methods:
    - (1) Dedication to the Township as public open space, if the Board of Supervisors agree in writing to such dedication.
    - (2) Dedication to the County as public open space, if the County Commissioners agree in writing to such dedication.
    - (3) Dedication to the School District if such Board of Education agrees in writing to accept such dedication and to use and maintain the land for public school buildings and/or related open space.
    - (4) Dedication to a homeowners association as preserved open space, with the homeowners legally bound to pay fees for the maintenance and other expenses of owning such land, and

with such homeowners association being incorporated with covenants and bylaws providing for the filing of assessments and/or municipal liens for the non-payment of maintenance costs for preserved open space that is not publicly-owned.

- (i) Such responsibilities shall be specified as part of each deed prior to sale of each lot or dwelling unit. The Township may delay a dedication of maintenance responsibilities by a developer to a homeowners association until such association is incorporated and able to maintain such land.
- (5) Dedication of the land to an established nature conservation organization acceptable to the Board of Supervisors.
- (6) Dedication of a permanent agricultural preservation easement to the County Agricultural Land Preservation Board, with the land utilized for allowed agricultural uses.
- (7) Dedication to the State Game Commission, State Fish and Boat Commission or similar public agency, if such agency agrees in writing in advance to accept the dedication and to maintain the land for public recreation.
- (8) Operation as a bonafide golf course, with a minimum lot area of 50 acres. Areas including buildings or vehicle parking shall not count towards the minimum average lot area.
- (9) Retention as part of one or more private lots, with an appropriate conservation easement.

b. Legal documents providing for ownership and/or maintenance of required preserved open space shall be reviewed by the Township Solicitor and be subject to approval by the Board of Supervisors prior to recording of the final plan.

c. A legally binding system shall be established to oversee and maintain land that will not be publicly-owned. Any homeowner association should generally follow the provisions of Section 705.f. parts (1) and (2) of the Pennsylvania Municipalities Planning Code, as amended. Proper notations shall be required on the Recorded Plan. For example, if the preserved open space is intended to be owned by a homeowner association as recreation land, a statement should be included that the designated open space "shall not be further subdivided and shall not be used for the construction of any non-recreation buildings."

311.G. Steep Slopes. A lot required to have a larger minimum lot area under Section 310 because of steep slopes shall not be permitted to be reduced in lot area under this Section 311. However, through the use of the smaller minimum lot areas in this Section, the lot layout may be able to be revised to move proposed building sites away from steeply sloped portions of a tract so that the requirements of Section 310 no longer apply to individual lots. Within a Lot Averaging Development, no construction of principal buildings shall occur on slopes of over 25 percent.

311.H. Access. A Lot Averaging Development shall have an interior street system that minimizes or avoids the need for individual driveways entering directly onto arterial or major collector streets.

311.I. Phasing. The development shall include a phasing system that shall be approved by the Board of Supervisors. Such phases shall ensure that the requirements of this Article would be met after the completion of any one phase, and that the development could properly function without the construction of additional phases.

311.J. Definition of Common Open Space. See Section 202.

311.K. Landscaping Plan. An application for a Lot Averaging Development involving over 30 acres shall include a landscape planting and preservation plan prepared by a registered landscape architect.

- 1. Such plan shall show the locations, general species and initial sizes of landscaping to be planted within the preserved open space and throughout the tract.
- 2. Such plan shall also show that existing substantial healthy trees will be preserved to the maximum extent reasonable. The methods to ensure preservation during construction shall be described.
- 3. Landscaping shall also be used as appropriate to filter views of denser housing from any adjacent housing that is less dense.

312. **SETBACK FROM CREEKS.**

- 312.A. No new or expanded building and no new or expanded off-street parking area or commercial or industrial storage area shall be located within:
1. 100 feet from the centerline of the Pohopoco Creek and McMichael Creek, and
  2. 75 feet from the centerline of any other perennial creek, as shown on the USGS quadrangle maps.
- 312.B. Any street or driveway crossing of a perennial creek shall be approximately perpendicular to the waterway, to the maximum extent reasonable.

313. **OPTIONAL TRANSFER OF DEVELOPMENT RIGHTS ("TDR")**

- 313.A. Purposes. In addition to serving the overall purposes of this Ordinance, this section is intended to:

1. encourage the permanent preservation of important farmland and environmentally sensitive areas;
2. direct growth to locations where public water and sewerage services are available; and
3. provide a voluntary method for landowners to be compensated by the free market to preserve their land.

- 313.B. Applicability.

1. Except as provided in subsection B.6. below, the Transfer of Development Rights shall only officially occur at the time of final approval of a subdivision or land development plan. The approval of a preliminary plan shall be conditioned upon compliance with this Section. As part of a preliminary and final plan application, the applicant shall present a draft Conservation Easement on the "Sending Property" and a written, signed and notarized agreement by the owner of the "Sending Property" acknowledging and agreeing to the application.
2. The Conservation Easement shall be drafted so that it is binding if the "Receiving Property" is granted Final Plan approval. The Conservation Easement shall be recorded at the same time as, or prior to, the Final Plan for the Receiving Property.
  - a. If a Final Plan is recorded in phases, then the Conservation Easement may be recorded in corresponding phases.
3. The form of the Conservation Easement shall be acceptable to the Board of Supervisors, based upon review by the Township Solicitor and Planning Commission. The term Conservation Easement shall include, but not be limited to, an Agricultural Conservation Easement. In the case of agricultural land, the standard language for an Agricultural Conservation Easement used by the County Agricultural Land Preservation Board may be utilized.
4. A Sending Property shall be within the CR, R-1 or RR Districts. A Sending Property shall have a minimum lot area of 5 acres.
5. A Receiving Property shall be within the R-2, R-3 or VC District, or within the CR, RR or R-1 District if the Receiving Property is being developed in accord with Section 317, Conservation Subdivision Design.
6. The owners of the Sending and Receiving Properties shall voluntarily commit to participate in the Transfer of Development Rights. Once such Conservation Easement is established, it shall be binding upon all current and future owners of the Sending Property. The applicant for the Receiving Property is responsible to negotiate with, and pay compensation to, the owner of the Sending Property for the Conservation Easement. Such transaction shall occur privately, and the value shall be determined by the private market. The Township is under no obligation to pay the owner of the Sending Property.
7. Donations or Intermediaries. The right to develop a Sending Property may be purchased by or donated to the Township, the County or an established incorporated non-profit organization whose mission includes preservation of agricultural land or natural features. A permanent Conservation Easement shall be established on the Sending Property at the time of such purchase or donation. In such case, the right to develop such dwelling units may be held for a maximum of 10 years, before being used on a Receiving Property(ies).



313.C. Definitions.

1. Sending Property. A lot(s) or portion of a lot that is restricted by a conservation easement or farmland preservation easement as a condition of approval of a higher density on the "Receiving Property" than would otherwise be permitted.
2. Receiving Property. A lot(s) that is approved to permit a higher density than would otherwise be permitted as a condition of the restriction of development on Sending Property.

313.D. Determination of Density.

1. Yield Plans shall be presented by the applicant. One Yield Plan shall be presented for the Receiving Property and one for the Sending Property. Such Yield Plans shall be a level of detail typically found in a sketch plan, including showing potential lots and roads, steep slopes, 100 year floodplains and suspected wetlands. Such Yield Plans shall estimate the number of new dwelling units that could be lawfully constructed on each property under Township regulations without any transfer of development rights. Detailed septic perc tests are not required for such sketches, but new septic systems shall not be assumed to be possible in areas with obviously severe limitations. In the case where the Receiving Property is in the CR, RR or R-1 District, the Yield Plan for the Sending Property and the Receiving Property shall be prepared in accord with Section 317.D.4.
2. Such Yield Plans shall be reviewed by the Zoning Officer, with advice by the Township Engineer, to determine whether each represents a reasonably accurate estimate of the number of dwelling units possible on each site, both physically and legally. If such estimates are determined to not be accurate, the applicant shall be required by the Zoning Officer to revise such Yield Plan.
3. Based upon the Yield Plans, permission to develop a number of dwelling units may be transferred from the Sending Property to the Receiving Property. The potential to develop some or all of the dwelling units may be transferred from the Sending Property, depending upon the amount of land affected by the permanent Conservation Easement.
  - (a) For example, if under current zoning, 5 dwelling units would be possible on the western portion of a lot and 6 dwelling units on the eastern portion, the owner may choose to transfer the right to develop 5 dwelling units by placing a permanent conservation easement on the western portion. The owner would then still have the right to develop the eastern portion under the zoning in effect at the time of a future development application for that eastern portion.
  - (b) If only a portion of a lot would be affected by the Conservation Easement, the applicant shall prove that the Conservation Easement would permanently preserve a contiguous area of rectangular (or similar regular) shape that would relate to the number of dwelling units that would otherwise be allowed on such portion of the lot.
  - (c) Where a conservation easement would be established in phases over time, each phase shall be contiguous with a previous conservation easement, unless the applicant proves to the satisfaction of the Board of Supervisors that there is a valid public purpose for the easement to not be contiguous.
4. If, for example, the Yield Plan determines that 10 new dwelling units would be allowed under current zoning on the Sending Property, and the Sending Property will be preserved by a Conservation Easement, then the right to develop 10 additional dwelling units shall be transferred to the Receiving Property. The development of the Receiving Property shall still comply with all other requirements of this Ordinance, except for the maximum density, which shall be regulated by this Section.
5. The Receiving Property shall be permitted to include an increased total number of dwelling units above the number that would otherwise be permitted, based upon the Yield Plan. However, in no case shall the following lot areas and densities be exceeded:
  - (a) R-2 or VC District - For single family detached dwellings, the minimum lot area may be reduced to 9,000 square feet, and the minimum lot width to 65 feet. The minimum average lot area for other types of dwellings permitted in the R-2 or VC District shall be at least 9,000 square feet per dwelling unit. This minimum average lot area shall be calculated as provided in Section 307 for the R-2 district.

- (b) R-3 District - For single family detached dwellings, the minimum lot area may be reduced to 8,000 square feet, and the minimum lot width to 65 feet. The absolute maximum density for a manufactured home park under TDR shall be 5 dwellings per acre. The minimum average lot area for other types of dwellings permitted in the R-3 District shall be at least 8,000 square feet per dwelling unit. This minimum average lot area shall be calculated as provided in Section 307 for the R-3 district.
- (c) RR or R-1 District - The requirements of Section 317, Conservation Subdivision Design shall apply and the open space preserved on the Sending Property may be used to meet the minimum conservation open space required by Section 317.

- 6. Utilities. To receive a transfer of development rights, all lots of less than one acre on the Receiving Property shall be served by Township-approved central sanitary sewerage service and central water service.
- 7. The transfer of development rights shall not be combined with incentives concerning Lot Averaging.

313.E. Once a conservation easement is established under a Transfer of Development Rights, it shall be permanent, regardless of whether the Receiving Property is developed. The approval to develop the Receiving Property in a higher density shall be treated in the same manner as any other Final Subdivision or Land Development approval. The Board of Supervisors may extend time limits to complete the development of the Receiving Property in response to a written request.

313.F. As part of a Transfer of Development Rights, the development of the Receiving Property shall comply with all Township requirements, except for provisions specifically modified by this section.

#### 314. **WETLANDS AND LAKES.**

314.A. Lot Area. Wetlands (as officially defined under Federal and/or State regulations) and lakes shall not be counted toward the minimum lot area of any lot or tract of land. This Section 314.A. shall only apply to a subdivision or land development submitted for approval after the adoption of this Ordinance.

314.B. Wetland Studies. It shall be the responsibility of each applicant to determine whether land areas proposed for alteration meet the Federal or State definition of a wetland prior to submittal of development plans to the Township. If the Zoning Officer has reason to believe that wetlands may be present on a site proposed for development or subdivision, the Zoning Officer may require that the applicant provide a suitable wetland delineation study prepared by a qualified professional.

#### 315. **COMMERCIAL USES WITHIN DEVELOPMENTS OF 50 OR MORE DWELLING UNITS.**

315.A. If a subdivision includes a minimum of 50 dwelling units, then as a special exception use, a maximum of 2 acres within the subdivision may be used for commercial development meeting the requirements of the VC district. The applicant shall prove to the Zoning Hearing Board that the commercial development has been designed and located with traffic access that is fully coordinated with the residential development. To the maximum extent feasible, traffic access shall be fully coordinated with adjacent development.

315.B. Timing. No commercial use shall be open for business until after a minimum of 25 dwelling units within the subdivision have been completed.

315.C. Hours. No commercial use approved under this Section 315 shall be open to the public nor receive truck deliveries between the hours of 10 p.m. and 7 a.m.

#### 316. **ADDITIONAL REQUIREMENTS FOR THE BP BUSINESS PARK OVERLAY DISTRICT.**

316.A. Purposes. To provide appropriate locations for light industries, offices and related types of commercial uses, in a manner that is fully compatible with any nearby homes. To carefully control the types of uses and use performance standards to protect the public health and safety and avoid nuisances. To maintain an attractive physical environment that will aid in attracting new employers, including provision of extensive landscaping and the encouragement of attractive masonry facades. To encourage development to occur within business

parks, as opposed to development on scattered individual lots - to encourage the establishment of private deed restriction controls and carefully coordinated interior vehicle access. To make sure that new development occurs with access onto interior roads, as opposed to numerous driveways onto existing roads or use of hazardous intersections.

316.B. Overlay District. The BP District is an “overlay” district. This allows an optional type of business development that a property owner may choose to use in place of the regular underlying zoning districts. Once a Planned Business Development is submitted and approved as a conditional use then, then the regulations of this BP District shall apply in place of the underlying zoning district. Until such time as a Planned Business Development may be approved, the underlying zoning district shall apply.

316.C. Definition of Planned Business Development. This term shall mean a development approved as a “Planned Business Development” as a conditional use under the standards of Section 316. A planned business development is a tract designed with fully coordinated interior road access, stormwater management, landscaping and buffering.

316.D. Uses. Section 306 lists the uses allowed within the BP District. These uses shall only be allowed after conditional use approval has been granted for a “Planned Business Development” under this Section. The conditional use approval shall primarily addresses coordinated road access and compatibility with adjacent properties. Once conditional use approval is granted, the applicant shall have the flexibility for apply for individual uses allowed in the BP District without needing conditional use approval for each individual use. However, individual uses shall only be allowed if they are consistent with the conditional use approval.

316.E. Standards for Approval of a Planned Business Development. To ensure compliance with the purposes and requirements of this District, review and approval of a Planned Business Development shall be required as a conditional use.

1. Minimum Lot Area at the Time of Conditional Use Application. 40 acres. Once a Planned Business Development is approved, then the applicant may obtain subdivision approval for smaller lots, provided they meet Section 307.
  - a. If an applicant within the BP District does not control 40 acres, he/she may submit an application with a neighboring property-owner showing fully coordinated development of at least 40 acres.
  - b. At least 40 acres must be approved at one time. However, the submittal of detailed subdivision plans and the actual development may be phased.
  - c. If an applicant controls additional land beyond the amount within the Planned Business Development, the applicant shall submit a sketch showing how the additional land might eventually be connected into the Planned Business Development in the future, including a fully coordinated road system.

3.Submittal. The applicant shall submit plans and accompanying information meeting Section 117. The applicant shall provide sufficient information to determine compliance with this Ordinance. Detailed engineering of stormwater, grading, profiles and similar matters that are addressed under the Subdivision and Land Development Ordinance is not required at the conditional use stage.

3. Information. The applicant shall present whatever information is available on the types of tenants or uses that are intended or expected in different portions of the development. However, it is recognized that the applicant may not know all of the prospective uses at the time of conditional use approval.
4. Relationship to Surroundings. The applicant shall show how the development will be fully coordinated with surrounding lands, land uses and streets.
5. Green Space and Landscaping. The application shall show an overall plan of green spaces and landscaping. This plan shall be carried out through a system of deed restrictions on each lot.

6. Access.
  - a. Coordinated Access. Any Planned Business Development shall make the absolute maximum use possible of interior streets, as opposed to numerous driveways entering onto an arterial street. In addition, the applicant shall prove that street access has been designed to minimize use of existing hazardous intersections, or for the applicant to commit to improve such intersection so that it is not hazardous. Deed restrictions shall be placed on individual lots to require compliance with the approved traffic access system.
  - b. Access to Other Than Arterial Streets. Based upon any PennDOT review comments and reviews by the Planning Commission and Township Engineer, the Board of Supervisors require that a Planned Business Development not have any direct access that would involve left-hand turns onto and off of an arterial street (except at an intersection planned for or with an existing traffic signal) if reasonable access could be provided off of and onto another suitable street.
  - c. Easements for Access. The Board of Supervisors may at the time of approval of a subdivision or land development within the BP District, require a lot or tract to provide an easement, stub street extension and/or street right-of-way extension for vehicular traffic to adjoining tracts to allow an efficient interior access system.
7. Staged Construction. If development is to occur in progressive stages, each stage shall be planned and occur so that the purposes and requirements of this Ordinance are fully complied with at the completion of each stage. Each stage shall be shown on the plan.
8. Lot Regulations. Each proposed lot be capable of complying with the Lot and Setback Regulations of the BP District.
9. Information on Covenants. A Planned Business Development shall include a reasonable set of deed restrictions or covenants imposed by the developer on each lot. These covenants should cover types of uses, maintenance of lots and industrial operations, with a proper means for enforcement. The covenants shall also be written to carry out the purposes and requirements of a Planned Business Development. The substance of these covenants shall be presented before a Planned Business Development is approved.
  - a. Facade Materials. It is strongly encouraged that a minimum of 75 percent of the facades of buildings facing onto streets consist of glass, brick or other decorative masonry. This provision is intended to avoid metal or cinderblock construction, at least as visible from a street. Subdividers are strongly encouraged to place such a requirement on each lot through deed restrictions.
10. Additional Setbacks from Dwellings and Residential Districts.
  - a. Any portion of a building used for industrial operations and any area routinely used for the parking, storage, loading or unloading of 2 or more tractor-trailer trucks or refrigerated trucks shall be setback a minimum of 200 feet from any residentially zoned lot that is not within the Business Park District.
  - b. As a condition of conditional use approval, the Board of Supervisors may require an earth berm to be constructed between a Planned Business Development and any existing or prospective residential lots if the Board determines it will be necessary to ensure compatibility between uses.
    - (1) The height of the berm shall average at least 5 feet, unless the Board of Supervisors determine that a differing height is appropriate considering the topography of the site.
    - (2) The maximum slope of the berm (on sides visible from outside of the Planned Business Development) shall be three feet measured horizontally for each one foot measured vertically.
    - (3) The plant screening required by Section 803 shall be placed towards the top, on the residential side, of the berm. Portions of the berm that are visible from outside of the Planned Business Development shall be maintained with attractive vegetation.

11. Landscaped Front Yards. A maximum of 80 percent of the required minimum front yard setback area shall be maintained in landscaped green space. The intent is that the remaining 20 percent would be used for driveways, fire lanes, visitor parking, handicapped parking and walkways. Other vehicle parking is intended to primarily be placed to the side or rear of buildings.
12. Loading Docks. An applicant shall prove to the satisfaction of the Township that loading docks routinely serving 3 or more tractor-trailer trucks have been located within reason to seek to minimize their visibility from dwellings, public streets and existing and planned expressways. No loading dock routinely served by tractor-trailer trucks shall be located within 75 feet of the existing right-of-way of a public street.
13. Coordinated Stormwater Management. A Planned Business Development shall include a coordinated system of stormwater management. At best, where feasible, this should include sufficient land set aside for a minimal number of stormwater basins, with each lot owner assessed sufficient fees each year to properly maintain the basins.
14. Sewage and Water Services. The applicant shall provide evidence concerning the general feasibility of methods that will be used to provide sewage and water services. However, the detailed engineering of such services may be delayed until approval is sought under the Subdivision and Land Development Ordinance.

### **317 CONSERVATION SUBDIVISION DESIGN**

#### **317.A Purposes and Development Options**

1. Purposes - In conformance with the Pennsylvania Municipalities Planning Code the purposes of this section, among others, are as follows:
  - a. To conserve open land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, flood plains and wetlands, by setting them aside from development.
  - b. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs, and the amount of paving required for residential development.
  - c. To reduce erosion and sedimentation by the retention of existing vegetation, and the minimization of development on steep slopes.
  - d. To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained.
  - e. To implement adopted municipal policies to conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the *West End Open Space and Recreation Plan* or successor document including provisions for reasonable incentives to create a conservation open space system for the benefit of present and future residents.
  - f. To implement adopted land use, transportation, and community policies, as identified in the Township's Comprehensive plan.
  - g. To protect areas of the Township with productive agricultural soils for continued or future agricultural use, by conserving blocks of land large enough to allow for efficient farm operations.
  - h. To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood open space, and with a strong neighborhood identity.

- i. To provide for the conservation and maintenance of open land within the Township to achieve the above-mentioned goals and for active or passive recreational use by residents.
  - j. To provide multiple options for landowners in order to minimize impacts on environmental resources (sensitive lands such as wetlands, flood plain, and steep slopes) and disturbance of natural or cultural features (such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings, and fieldstone walls).
  - k. To provide standards reflecting the varying circumstances and interests of individual landowners, and the individual characteristics of their properties.
1. To conserve scenic views and elements of the Township's rural character, and to minimize perceived density, by minimizing views of new development from existing roads.
  2. By-Right Development Options - In order to achieve these purposes, this Section 317 provides for flexibility in designing new residential subdivisions by allowing two forms of *by-right* development referred to as *options*, as summarized below:
    - a. Option One - *Neutral Density and Basic Conservation*, providing for residential uses at the density permitted by the underlying zoning with not less than fifty (50) percent of the tract comprised of conservation open space.
    - b. Option Two - *Greater Density with Greater Conservation*, providing residential uses at a density higher than the density permitted by the underlying zoning with not less than sixty (60) percent of the tract comprised of conservation open space.
  3. Densities and Required Open Space Percentages - See Section 317.D.

#### 317.B. General Regulations

The design of all conservation subdivisions shall be governed by the following minimum standards:

1. Ownership - The tract of land shall be controlled by the applicant and shall be developed as a single entity.
2. Site Suitability - As evidenced by the *Existing Resources/Site Analysis Plan*, the Preliminary Subdivision Plan, and the Final Subdivision Plan, the tract incorporating this design option shall be suitable for supporting development in terms of environmental conditions, its size, and configuration.
3. Combining the Design Options - The various layout and density options described in this Section may be combined at the discretion of the Township, based upon demonstration by the applicant that such a combination would better fulfill the intent of this Ordinance, in particular the stated purposes of this Section, as compared with applying a single option to the property.
4. Intersections and Access - The number of driveways entering onto existing public streets shall be minimized. Instead, the development shall make maximum use of driveways entering onto an internal local street. Intersections and access shall be governed by the Township Subdivision and Land Development Ordinance.
5. Sensitive Area Disturbance - The proposed design shall strictly minimize disturbance of environmentally sensitive areas, as shown on the *Existing Resources and Site Analysis Plan*. Lands within the 100-year floodplain, or having slopes in excess of 25%, and rock outcrops constitute such environmentally sensitive areas, where disturbance shall be strictly minimized. Demonstration by the applicant that these features will be protected by the proposed application shall be prerequisite to approval of both the Preliminary Subdivision Plan and the Final Subdivision Plan.

#### 317.C Minimum Parcel Size and Use Regulations

Tracts of six (6) acres or more in the Conservation Design Overlay District may be used for the following purposes:

1. Single-Family Detached Dwellings - In CR, RR, R-1, R-2 and R-3 Districts, single-family detached dwellings in subdivisions using Option1 - Basic Conservation or Option 2 - Greater Conservation.
2. Twin Dwelling Units, and Townhouses or Rowhouses - In CR, RR and R-1 Districts, twin dwelling units and townhouses or rowhouses in subdivisions or land developments using Option1 - Basic Conservation or Option 2 - Greater Conservation at the same density as single-family dwellings.
3. Conservation Open Space - Conservation open space comprising a portion of residential development, as specified above and according to requirements of Section 317.F and the Township Subdivision and Land Development Ordinance.
4. Nonresidential Uses - The following non-residential uses in accordance with the standards of Section 317.F:
  - a. Agricultural uses, including horticultural, wholesale nurseries, and the raising of crops, and buildings related to the same.
  - b. Wood lots, arboreta, and other similar silvicultural uses.
  - c. Woodland preserve, game preserve, wildlife sanctuary, or other similar conservation use.
  - d. Municipal or public uses; public park or recreation area owned and operated by a public or private nonprofit entity or agency; governmental or public utility building or use; not to include business facilities, storage of materials, trucking or repair facilities, the housing of repair crews, private or municipal solid waste disposal facilities.
5. Accessory Uses - Accessory uses shall be permitted on the same lot with and customarily incidental to any permitted use and not conducted as an independent principal use.

317.D. Density Determination and Dimensional Standards

1. Standards for Option 1 - Neutral Density and Basic Conservation
  - a. Density Factor - One dwelling unit per the required area for the district (density factor) as shown in the following Table 317.D.1.a, as determined through the Adjusted Tract Acreage approach or yield plan described in Section 317.D.4.
  - b. Minimum Required Conservation Open Space - The subdivision must include at least fifty (50) percent of the Adjusted Tract Acreage plus all of the constrained land calculated in Section 317.D.4.a, as conservation open space.
  - c. Dimensional Standards - The dimensional standards in Table 317.D.1.c, shall apply.

TABLE 317.D.1.a  
OPTION 1 - NEUTRAL DENSITY WITH BASIC CONSERVATION

**Density Requirements for All Permitted Dwelling Types**

DISTRICT	<u>Density Factor</u> required area per dwelling unit (Section 317.D.4)
CR Conservation Residential District	217,800 sq ft (5 acres)
RR Rural Residential District and R-1 Low Density Residential District	87,120 sq ft (2 acres)
R-2 Medium Low Density Residential District	
-- without either Township-approved central water service or central sewage service	43,560 sq ft
-- with Township-approved central water service <i>or</i> central sewage service	39,000 sq ft
-- with both Township-approved central water service <i>and</i> central sewage service	20,000 sq ft
R-3 Medium Density Residential District	
-- without either Township-approved central water service or central sewage service	43,560 sq ft
-- with Township-approved central water service <i>or</i> central sewage service	39,000 sq ft
-- with both Township-approved central water service <i>and</i> central sewage service	12,000 sq ft



TABLE 317.D.1.c  
OPTION 1 - NEUTRAL DENSITY AND BASIC CONSERVATION

**Dimensional Standards for Single-Family Detached and Twin Dwellings**

Minimum Individual Lot Area	10,000 sq ft
Minimum Lot Width at Building Line	80 feet
Minimum Street Frontage	20 feet
Flag Lots	permitted in accord with provisions of the subdivision and land development ordinance
Yard Regulations - the principal building position and orientation should be varied.	
– minimum front	20 feet
– minimum rear	30 feet; 20 feet where the rear yard adjoins conservation open space
– minimum side	- 30 feet separation of principal buildings - no side yard less than 5 feet
Maximum Impervious Coverage	25 percent per individual lot
Maximum Height Regulations	see Section 307.B.

**Dimensional Standards for Townhouses and Rowhouses - see Section 317.D.3**

2. Standards for Option 2 - Greater Density with Greater Conservation

- a. Density Factor - One dwelling unit per the required area for the district (density factor) as shown in the following Table 317.D.2.a, as determined through the Adjusted Tract Acreage approach or yield plan described in Section 317.D.4. The intent is to reduce the density factor by five (5) percent.

TABLE 317.D.2.a OPTION 2 - GREATER DENSITY WITH GREATER CONSERVATION	
Density Requirements for All Permitted Dwelling Types	
DISTRICT	<u>Density Factor</u> required area per dwelling unit (Section 317.D.4)
CR Conservation Residential District	206,910 sq ft
RR Rural Residential District and R-1 Low Density Residential District	82,765 sq ft
RR Rural Residential District and R-1 Low Density Residential District with Central Sewage Service Using Land Disposal of Sewage Effluent	65,340 sq ft
R-2 Medium Low Density Residential District	
-- without either Township-approved central water service or central sewage service	41,380 sq ft
-- with Township-approved central water service <i>or</i> central sewage service	37,050 sq ft
-- with both Township-approved central water service <i>and</i> central sewage service	19,000 sq ft
R-3 Medium Density Residential District	
-- without either Township-approved central water service or central sewage service	41,380 sq ft

TABLE 317.D.2.a  
OPTION 2 - GREATER DENSITY WITH GREATER CONSERVATION

-- with Township-approved central water service <i>or</i> central sewage service	37,050 sq ft
-- with both Township-approved central water service <i>and</i> central sewage service	11,400 sq ft

- b. Minimum Required Conservation open space - The subdivision must include at least sixty (60) percent of the Adjusted Tract Acreage plus all of the constrained land calculated in Section 317.D.4.a, as conservation open space. Conservation open space shall not be used for residential lots, except as provided below.
- c. Dimensional Standards - The dimensional standards in Table 317.D.2.c, shall apply.

TABLE 317.D.2.c  
OPTION 2 - GREATER DENSITY WITH GREATER CONSERVATION

**Dimensional Standards for Single-Family Detached and Twin Dwellings**

Minimum Individual Lot Area	10,000 sq ft (up to 20% of total lots may be reduced to a minimum of 7,500 sq ft)
Minimum Lot Width at Building Line	80 feet
Minimum Street Frontage	20 feet
Flag Lots	permitted in accord with provisions of the subdivision and land development ordinance
Yard Regulations - the principal building position and orientation should be varied.	
– minimum front	20 feet
– minimum rear	30 feet; 20 feet where the rear yard adjoins conservation open space

TABLE 317.D.2.c  
OPTION 2 - GREATER DENSITY WITH GREATER CONSERVATION

– minimum side	- 25 feet separation of principal buildings - no side yard less than 5 feet
Maximum Impervious Coverage	30 percent per individual lot
Maximum Height Regulations	see Section 307.B.
<b>Dimensional Standards for Townhouses and Rowhouses - see Section 317.D.3.</b>	

3. Dimensional Standards for Townhouses and Rowhouses in Option 1 - Neutral Density and Basic Conservation and Option 2 - Greater Density with Greater Conservation Subdivisions - The standards in Table 317.D.3, shall apply.

TABLE 317.D.3 – OPTION 1 AND OPTION 2  
DIMENSIONAL STANDARDS FOR TOWNHOUSES AND ROWHOUSES

Minimum Individual Lot Area	none
Maximum lot depth to width ratio	5 : 1
Minimum Lot Width at Building Line	18 feet (24 feet if a 2-car garage or parking of two cars side-by-side is provided in the front)
Yard Regulations - the principal building position and orientation should be varied.	
– minimum front	20 feet
– minimum rear	20 feet
– minimum side	- 35 feet separation of principal buildings

Maximum Impervious Coverage	70 percent per individual lot
Maximum Height Regulations	see Section 307.B.
Maximum Number of Dwelling Units per Building	see Section 402.A.43.a.

4. Density Determination for Option 1 - Neutral Density and Basic Conservation and Option 2 - Greater Density with Greater Conservation Subdivisions - Applicants shall have the choice of two methods of determining the maximum permitted residential building density on their properties. They are as follows:

a. Adjusted Tract Acreage Approach - Determination of the maximum number of permitted dwelling units on any given property shall be based upon the Adjusted Tract Acreage of the site. The Adjusted Tract Acreage shall be determined by multiplying the acreage classified as being in the categories of constrained land (described below) by the numerical “density factor” for that category of constrained land, summing all factored constrained land areas, and then deducting the total from the gross tract area.

1) The following areas of constrained land shall be deducted from the gross (total) tract area:

- a) Rights-of-way: multiply the acreage of land within the rights-of-way of existing public streets or highways, or within the rights-of-way for existing or proposed overhead rights-of-way of utility lines or any other rights-of-way by 1.0.
- b) Private Streets: multiply the acreage of land under existing private streets by 1.0.
- c) Wetlands: multiply the acreage of designated wetlands by 0.95.
- d) Floodway: multiply the acreage within the floodway by 1.0.
- e) Floodplain: multiply the non-wetland portion of the 100-year floodplain by 1.0.
- f) Steep Slopes: multiply the acreage of land with natural ground slopes exceeding twenty-five (25) percent by 0.80.
- g) Moderately Steep Slopes: multiply the acreage of land with natural ground slopes of between fifteen (15) and twenty-five (25) percent by 0.60.
- h) Extensive Rock Outcroppings: multiply the total area of rock outcrops and boulder-fields more than 1,000 square feet by 0.90.
- I) Ponds, lakes and streams: multiply the acreage of ponds, lakes and streams by 1.0.

- 2) If a portion of the tract is underlain by more than one natural feature subject to a deduction from the total tract acreage, that acreage shall be subject to the most restrictive deduction only.
- 3) Since acreage that is contained within the public or private rights-of-way, access easements or access strips is excluded from useable lot area, any portion of these items that also contains a natural feature subject to a deduction from the total tract acreage should not be included when calculating the adjusted tract acreage.

- b. Yield Plan Approach - Determination of density, or maximum number of permitted dwelling units, shall be based upon density factor of the chosen option applied to the gross tract acreage, as demonstrated by an actual Yield Plan. The density factor shall be based on the district location of the proposed development and the type of water supply and sewage disposal proposed. See Table 317.D.1.a, for Option 1 and Table 317.D.1.c, for Option 2. Yield Plans shall meet the following requirements:
- 1) SALDO Requirements - Yield Plans must be prepared in accordance with the standards of the Subdivision and Land Development Ordinance, containing proposed lots, streets, rights-of-way, and other pertinent features. Although it must be drawn to scale, it need not be based on a field survey. However, it must be a realistic layout reflecting a development pattern that could reasonably be expected to be implemented, taking into account the presence of wetlands, floodplain, steep slopes, existing easements or encumbrances and, if unsewered, the suitability of soils for subsurface sewage disposal.
  - 2) Resource Identification - The Yield Plan must identify the site's primary and secondary conservation areas, as identified in the *Existing Resources/Site Analysis Plan*, and demonstrate that the primary conservation areas could be successfully absorbed in the development process without disturbance, by allocating this area to proposed single-family dwelling lots which conform to the density factor of the chosen option. The Yield Plan shall be based upon accurate mapping of wetlands, 100 year floodplains and land with slopes greater than fifteen (15) percent.
  - 3) Individual Sewage Disposal Systems - On sites not served by central sewage disposal, density shall be further determined by evaluating the number of homes that could be supported by individual on-lot sewage disposal systems on conventional lots. Based on the primary and secondary conservation areas, identified as part of the inventory and analysis, and observations made during an on-site visit of the property, the Township shall select a ten (10) percent sample of the lots considered to be marginal for on-lot sewage disposal. The applicant is required to provide evidence that these lots meet the standards for an individual on-lot sewage disposal system and system replacement area before the applicant shall be granted the full density determined by the Yield Plan. Should any of the lots in a sample fail to meet the standard for individual septic system, those lots shall be deducted from the yield plan and a second ten (10) percent sample shall be selected by the Township and tested for compliance. This process shall be repeated until all lots in a given sample meet the standard for an individual on-lot sewage disposal system.
  - 4) Yield Plan Dimensional Standards -The following dimensional standards shall be used in the development of Yield Plans for Option 1 and Option 2 subdivisions. The minimum lot sizes are derived from the density factor for the district location of the proposed development and the type of water supply and sewage disposal proposed. See Table 317.D.1.a, for Option 1 and Table 317.D.1.c, for Option 2. These minimum area dimensions are exclusive of all wetlands, slopes greater than twenty-five (25) percent, and land under high-tension electrical transmission lines (69kV or greater). No more than twenty-five (25) percent of the minimum required lot area may consist of land within the 100-year floodplain, and only then if it is free of wetlands.

TABLE 317.D.4.b.4)  
YIELD PLAN DIMENSIONAL STANDARDS

Minimum Lot Size (sq ft) (per Table 317.D.1.a. and Table 317.D.2.a.)	Min. Lot Width at Min. Setback (feet)	Minimum Setback (feet)		
		Front	Rear	Side
217,800 and 206,910	300	60	60	20
87,120 and 82,765	200	60	50	15
43,450 and 41,380	150	40	30	20
39,000 and 37,050	150	40	30	20
20,000 and 19,000	80	40	30	15
12,000 and 11,400	80	30	30	20

317.E Design Standards for Option 1 - Basic Conservation, and Option 2 - Greater Conservation

1. Dwelling Lots - Dwelling lots shall not encroach upon Primary Conservation Areas and the layout shall respect Secondary Conservation Areas as identified in the Township Subdivision and Land Development Ordinance.
2. Setbacks - All new dwellings shall meet the following setback requirements in Table 317.E.2:

TABLE 317.E.2 DWELLING SETBACKS		
SETBACK FROM:	DWELLING TYPE	
	Single-Family and Twin	Townhouses Rowhouses
external road rights-of-way	100 feet	300 feet
other tract boundaries	50 feet	200 feet
crop land or pasture land	100 feet	
buildings or barnyards housing livestock	300 feet	

3. Exterior Views - Views of dwellings from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping which meets the landscaping requirements of the Township Subdivision and Land Development Ordinance.
4. Dwelling Access - Dwellings shall generally be accessed from interior streets, rather than from roads bordering the tract.

317.F Conservation Open Space Use and Design Standards

Protected conservation open space in all conservation subdivisions shall meet the following standards:

1. Uses Permitted on Conservation Open Space - The following uses are permitted in conservation open space areas:
  - a. Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow);
  - b. Agricultural and horticultural uses, including raising crops or livestock, wholesale nurseries, associated buildings, excluding residences that are specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are commercial livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors.
  - c. Pasture land for horses used solely for recreational purposes. Equestrian facilities shall be permitted but may not consume more than half of the minimum required conservation open space.
  - d. Silviculture, in keeping with established standards for selective harvesting and sustained-yield forestry.
  - e. Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, and other uses similar in character and potential impact as determined by the Township.
  - f. Active non-commercial recreation areas, such as playing fields, playgrounds, courts, and bikeways, provided such areas do not consume more than half of the minimum required conservation open space or five acres, whichever is less.
  - g. Golf courses may comprise up to half of the minimum required conservation open space, but shall not include driving ranges or miniature golf. Their parking areas and any associated structures shall not be included within the fifty-percent minimum conservation open space requirement; their parking and access ways may be paved and lighted.
  - h. Water supply and sewage disposal systems, and stormwater detention areas designed, landscaped, and available for use as an integral part of the conservation open space. However, water treatment plants and storage tanks, central sewage treatment plants and lagoons, and a 50-foot buffer around such facilities shall not be included within the fifty-percent minimum conservation open space requirement. In cases where any sewage disposal system serving an individual dwelling is located in a conservation open space area, the developer shall provide for on-site system maintenance via deed covenants and restrictions or other means approved by the Township. This shall include, but not be limited to, the inspection of the on-site systems and the pumping of septic tanks at intervals of not less than three (3) years from the date of the operation of each system.
  - i. Easements for drainage, access, sewer or water lines, or other public purposes;
  - j. Underground utility rights-of-way. Above-ground utility and street rights-of-way may traverse conservation areas but shall not count toward the minimum required conservation open space.



## 2. Conservation Open Space Design Standards

- a. Conservation Areas - Conservation open space shall be laid out in general accordance with the Township's *Map of Potential Conservation Lands* to ensure that an interconnected network of open space will be provided. The required conservation open space consists of a mixture of Primary Conservation Areas, all of which must be included, and Secondary Conservation Areas. Primary Conservation Areas comprise those areas listed in Section 317.D.4.a, as being subtracted from the total parcel acreage to produce the Adjusted Tract Acreage. Secondary Conservation Areas include special features of the property that would ordinarily be overlooked or ignored during the design process and such features are listed in the Township Subdivision and Land Development Ordinance.
- b. In Option 1 - Basic Conservation and Option 2 - Greater Conservation subdivisions, the conservation open space shall generally remain undivided and may be owned and maintained by a homeowners' association, land trust, another conservation organization recognized by the municipality, or by a private individual or entity. The amount of land available for the common use and passive enjoyment of the subdivision residents shall be provided in accord with the Township Subdivision and Land Development Ordinance. These ownership options may be combined so that different parts of the conservation open space may be owned by different entities.
- c. Dedication Requirement - See the open space and recreation fee provisions in the Subdivision and Land Development Ordinance.
- d. Buffers for Adjacent Public Land: Where the proposed development adjoins public park, state forest or state game land, a natural conservation open space buffer at least one-hundred-fifty (150) feet deep shall be provided within the development along its common boundary with such public land, within which no new structures shall be constructed. Where this buffer is unwooded, the Township may require vegetative screening to be planted, or that it be managed to encourage natural forest succession through *no-mow* policies and the periodic removal of invasive alien plant and tree species.

## 3. Other Requirements

- a. No portion of any building lot may be used for meeting the minimum required conservation open space. However, active agricultural land with farm buildings, excluding areas used for residences, may be used to meet the minimum required conservation open space.
- b. Pedestrian and maintenance access shall be provided to conservation open space, excluding those lands used for permitted agricultural or horticultural purposes, in accordance with the following requirements:
  - 1) Each neighborhood shall provide one centrally located access point per fifteen (15) lots, a minimum of thirty-five (35) feet in width.
  - 2) Access to conservation open space used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations.

### 317.G Permanent Conservation Open Space Protection Through Conservation Easements

In Option 1 and Option 2 subdivisions, the conservation open space that is required to be reserved and created through the subdivision process shall be subject to permanent conservation easements prohibiting future development and defining the range of permitted activities. (For example, the clearing of woodland habitat shall generally be prohibited, except as necessary to create trails, active recreation facilities, and to install subsurface septic disposal systems or spray irrigation facilities. The determination of necessity shall lie with the Township. Uses permitted in conservation open space are listed in Section 317.F.

### 317.H Ownership and Maintenance of Conservation Open Space and Common Facilities

The ownership and maintenance of conservation open space, open land, recreation land and common facilities shall be accomplished in accord with the Township Subdivision and Land Development Ordinance.

## **ARTICLE 4**

### **ADDITIONAL REQUIREMENTS FOR SPECIFIC USES**

#### **401. APPLICABILITY.**

- 401.A. This Article establishes additional specific requirements for certain specific uses, in addition to the sign, parking, environmental and other general requirements of this Ordinance and the requirements of each District. Wherever two requirements conflict, the stricter requirement shall apply.
1. For uses allowed within a specific Zoning District as "Special Exception" Uses, see also the procedures and standards in Section 116.

#### **402. ADDITIONAL REQUIREMENTS FOR SPECIFIC PRINCIPAL USES.**

402.A. Each of the following uses shall meet all of the following requirements for that use:

1. Adult Use. (This is limited to the following: Adult Bookstore, Adult Movie Theater, Massage Parlor or Adult Live Entertainment Facility)
  - a. Purposes. The regulations on Adult Uses are intended to serve the following purposes, in addition to the overall objectives of this Ordinance.
    - 1) To recognize the adverse secondary impacts of Adult Uses that affect health, safety and general welfare concerns of the municipality. These secondary impacts have been documented in research conducted across the nation. These secondary impacts typically include, but are not limited to: increases in criminal activity, increases in activities that increase the risk of transmission of sexually transmitted diseases, increases in activities that increase the risk of transmission of other communicable diseases, increases in blight, decreases in the stability of residential neighborhoods, and decreases in property values for surrounding homes, and decreases in the marketability of nearby commercial business space. The research conducted across the nation concludes that Adult Uses typically involve insufficient self-regulation to control these secondary effects.
    - 2) To limit Adult Uses to locations where these secondary impacts can be minimized, particularly as they affect residential neighborhoods and commercial revitalization.
    - 3) To not attempt to suppress any activities protected by the "free speech" protections of the U.S. Constitution, but instead to control secondary effects.
  - b. No Adult Use nor its parking area shall be located within: 1) 500 lineal feet of the lot line of any residential zoning district or existing dwelling, nor b) 1,000 lineal feet of the lot line of any primary or secondary school, place of worship, library, public park, day care center or child nursery.
  - c. No Adult Use shall be located within 1,000 lineal feet of any existing "adult use."
  - d. A 50 feet buffer yard shall be provided, regardless of zoning district, along the side and rear lot lines in accordance with Section 803, but with plantings of an initial minimum height of 5 feet.
  - e. No pornographic material, displays or words shall be placed in view of persons who are not inside of the establishment. Definite precautions shall be made to prohibit minors from entering the premises.
  - f. No Adult Use shall be used for any purpose that violates any Federal, State or municipal law.
  - g. See Section 709, Prohibited Signs.
  - h. The Adult Use shall not include the sale or display of "obscene" materials, as defined by Pennsylvania criminal law, as may be amended by applicable Court decisions.
  - i. An Adult Use shall be prohibited in all Districts except where specifically permitted by Article 3.
  - j. A minimum lot area of 1 acre is required.
  - k. For public health reasons, private or semi-private viewing booths of any kind are prohibited. This specifically includes, but is not limited to, booths for viewing adult movies or nude dancers.
  - l. No use may include live actual or simulated sex acts nor any physical or sexual contact between employees and entertainers nor or between employees or entertainers and customers. At an Adult Live Entertainment Use, employees or entertainers shall maintain a minimum distance of 3 feet from customers.

- m. Only "lawful" massages as defined by State court decisions shall be performed in a massage parlor.
  - n. All persons within any adult use shall wear non-transparent garments that cover their genitals and the female areola, except within a permitted lawful "adult live entertainment facility."
  - o. Any application for such use shall state the names and home addresses of: a) all individuals intended to have more than a 5 percent ownership in such use or in a corporation owning such use and b) an on-site manager responsible to ensure compliance with this Ordinance on a daily basis. Such information shall be updated at the beginning of each year in writing to the Zoning Officer.
  - p. The use shall not operate between the hours of 12 midnight and 7 a.m.
  - q. As specific conditions of approval under this Ordinance, the applicant shall prove compliance with the following State laws, as amended: the Pennsylvania Liquor Code, Act 219 of 1990 (which pertains to sale or consumption of alcohol between 2 a.m. and 8 a.m.), Act 207 of 1990 (which pertains to obscenity) and Act 120 of 1996 (which pertains to Adult-Oriented Establishments and which limits enclosed viewing booths among other matters).
2. Adult Day Care Center.
    - a. Shall be fully licensed by the State, if required by the State.
    - b. Shall include constant supervision during all hours of operation.
    - c. Shall not meet the definition of a "treatment center."
  3. After Hours Club - As a condition of any approval under this Ordinance, the applicant shall prove full compliance with State Act 219 of 1990, as amended (Section 7327 of Title 18 of the Pennsylvania Statutes).
  4. Animal Cemetery.
    - a. All the regulations for a "cemetery" in this Section shall apply.
    - b. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use will be conducted in such a manner that the public health and groundwater quality will not be threatened.
  5. Assisted Living Facility/ Personal Care Center. - The standards for nursing homes in this section shall apply.
  6. Auto, Boat or Mobile/ Manufactured Home Sales.
    - a. No vehicle, boat or home on display shall occupy any part of the existing or future street right-of-way or required customer parking area. See buffer yard provisions in Section 803.
    - b. See light and glare standards in Section 507.
    - c. See parking requirements in Article 6.
    - d. Any mobile/manufactured homes on a sales site shall meet the required principal building setbacks from the perimeter lot lines.
  7. Auto Repair Garage.
    - a. All paint work shall be performed within a building, with a fume collection and ventilation system that directs fumes away from any adjacent dwellings. Outdoor major repairs (such as body work and grinding) and outdoor welding shall not occur within 250 feet of a "residential lot line."
    - b. All reasonable efforts shall be made to prevent or minimize noise, odor, vibration, light or electrical interference to adjacent lots. See standards in Article 5. See buffer yard requirements in Section 803.
    - c. Outdoor storage of motor vehicles shall not be within any required buffer yard or street right-of-way.
    - d. Overnight outdoor storage of "junk" other than permitted junk vehicles shall be prohibited within view of a public street or a dwelling.
    - e. Any "junk vehicle" (as defined by Article 2) shall not be stored for more than 20 days within view of a public street or a dwelling. A maximum of 6 junk vehicles may be parked on a lot outside of an enclosed building at any one time. Any junk vehicle stored outside overnight shall be screened from view of adjacent dwellings.
    - f. Service bay doors shall not face directly towards an abutting dwelling (not including a dwelling separated from the garage by a street) if another reasonable alternative exits.

8. Auto Service Station.

- a. See definition of this term and "Auto Repair Garage" in Article 2. The uses may be combined, if the requirements for each are met.
- b. All activities except those to be performed at the fuel or air pumps shall be performed within a building. The use shall not include spray painting.
- c. Fuel pumps shall be at least 25 feet from the existing street right-of-way and shall meet side yard principal building setback requirements.
- d. Overnight outdoor storage of "junk" shall be prohibited within view of a public street or dwelling. Any junk vehicle stored outside overnight shall be screened from view of adjacent dwellings.
- e. Any "junk vehicle" (as defined by Article 2) shall not be stored more than 20 days within view of a public street or a dwelling. No junk vehicles shall be stored within 20 feet of an existing street right-of-way. No more than 6 junk vehicles shall be stored on the lot outside of an enclosed building at any point in time.
- f. The use may include a "convenience store" if the requirements for such use are also met.

9. Bed and Breakfast Inn.

- a. Within a residential district (where permitted under Article 3), a maximum of 5 rental units shall be provided and no more than 3 adults may occupy one rental unit. No maximums shall apply within other permitted districts.
- b. One off-street parking space shall be provided for each rental unit. The off-street parking spaces for the bed and breakfast inn shall be located either to the rear of the principal building or screened from the street and abutting dwellings by landscaping.
- c. There shall not be any signs, show windows or any type of display or advertising visible from outside the premises, except for a single sign with a maximum sign area of 6 square feet on each of 2 sides and with a maximum height of 8 feet. No internal lighting of the sign shall be permitted.
- d. The use shall have a residential appearance and character.
- e. The use shall be operated and/or managed by permanent residents of the lot.
- f. There shall not be separate cooking facilities in any guest room. Food shall only be served to guests who are staying overnight, unless a restaurant is also permitted.
- g. No guest shall stay for more than 14 days in any month.
- h. The use shall be restricted to buildings that existed prior to January 1, 1940.

10. Boarding House (includes Rooming House).

- a. Minimum lot area- 2 acres.
- b. Minimum side yard building setback - 30 feet side
- c. Minimum lot width- 200 feet
- d. Maximum density- 6 bedrooms per acre; shall serve a maximum total of 20 persons.
- e. Each bedroom shall be limited to 2 adults each.
- f. A buffer yard with screening meeting Section 803 shall be provided between any boarding house building and any abutting dwelling.
- g. See also standards for "assisted living facility" which is a separate use.
- h. Signs- shall be limited to 2 wall signs with a maximum of 2 square feet each.
- i. Rooms shall be rented for a minimum period of 5 consecutive days.

11. Campground, Camp or Recreational Vehicle Campground

- a. For each acre of total lot area, there shall be a maximum average of: a) 3 recreational vehicle sites, b) 4 tent sites or c) cabin sleeping capacity for 8 persons. Such sites may be clustered in portions of the tract.
- b. Any store shall be limited to sales of common household and camping items to persons camping on the site.
- c. A commercial campground shall include at least one gravel or paved entrance road from a public street, with a minimum width of 20 feet. The first 100 feet of the campground road from the public street cartway shall be paved.

- d. Minimum lot area - 5 acres in a commercial or industrial district, 30 acres in any other district where the use is permitted under Article 3.
- e. All campsites, recreational vehicle sites, buildings and vehicle parking shall be setback a minimum of 150 feet from all residential lot lines. Any existing healthy trees within such setback shall be preserved, except at needed perpendicular entrance road and utility crossings.
- f. Buildings used for sleeping quarters shall not be within the 100-year floodway. No campsites or buildings shall be located on slopes over 15 percent slope.
- g. Maximum impervious coverage- 10 percent.
- h. At least one one gravel or paved entrance road shall be provided from a public street, with a minimum width of 20 feet.
- i. No person other than a bona fide resident manager/caretaker shall reside on the site for more than 6 months in any calendar year. No recreational vehicle shall be occupied on the site for more than 6 months in any calendar year by any one individual or one family.

12. Car Wash.

- a. Traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets. On-lot traffic circulation channels and parking areas shall be clearly marked.
- b. Adequate provisions shall be made for the proper and convenient disposal of refuse. The applicant shall provide evidence that adequate measures will be in place to prevent pollutants from being washed into the groundwater or waterways. Any chemicals or polluted runoff that may be hazardous to aquatic life shall be stored within an area that will completely contain any leaks or spills.
- c. Water from the car wash operation shall not flow onto sidewalks or streets in such a manner as could cause ice hazards.
- d. Any car wash that is located within 250 feet of an existing dwelling shall not operate between the hours of 10:00 p.m. and 7:00 a.m.
- e. No portion of a car wash shall be located within 100 feet from the centerline of a perennial waterway.

13. Cemetery.

- a. Minimum lot area- 2 acres, which may on the same lot as an allowed place of worship.
- b. A crematorium, where allowed, shall be setback a minimum of 250 feet from all lot lines of existing dwellings and all undeveloped residentially zoned lots.
- c. All structures and graves shall be setback a minimum of: 30 feet from the lot line of an abutting dwelling or any undeveloped residentially zoned lot, 20 feet from the future right-of-way of any public street and 10 feet from the cartway of an internal driveway or any other lot line.
- d. No grave sites shall be located within the 100-year floodplain.
- e. The applicant shall prove to the satisfaction of the Zoning Officer, based upon review by the Township Solicitor, that the use will include an appropriate financial system to guarantee perpetual maintenance.

14. Commercial Communications Antennae as principal or accessory use.

- a. An accessory commercial communications antenna shall be permitted by right in any district if it meets the following requirements:
  - 1) In a district other than a commercial or industrial district, the antenna shall extend a maximum of 20 feet beyond the existing structure to which it is attached. The antenna shall be attached to one of the following existing lawful structures:
    - a) a principal agricultural building or silo,
    - b) an electric high voltage transmission tower,
    - c) an existing lawful commercial communications tower,
    - d) a fire station or steeple or bell tower of a place of worship, or
    - e) a water tower.
  - 2) In a commercial or industrial district, the antennae shall extend a maximum of 40 feet beyond an existing building or structure (other than a dwelling), provided the antenna is setback a distance equal to its total height above the ground from any lot line of a dwelling on another lot.

- b. Any commercial communications antenna/tower that does not meet Section "a." above shall only be allowed where specifically authorized in Section 306, and in compliance with the following additional regulations:
- 1) Such antenna/tower shall be set back the following distances from lot lines, whichever is greater:
    - (a) a distance from the lot line of a lot occupied by an existing dwelling (or that is approved for a new dwelling) that is greater than the total height of the antenna/tower above the surrounding ground level; or
    - (b) the applicable principal building setback.
  - 2) A new tower, other than a tower on a lot of an emergency services station, shall be setback a minimum distance of 200 feet plus the total height of the tower above the surrounding ground level from any existing dwelling.
  - 3) A tower attached to the ground shall be surrounded by a security fence/gate with a minimum height of 8 feet and evergreen plantings or preserved vegetation with an initial minimum height of 4 feet.
  - 4) The applicant shall provide a written statement sealed by a professional engineer stating that the communications antenna/tower will meet the structural and wind resistance requirements of the latest published version of the BOCA Building Code, or its successor code.
  - 5) The applicant shall describe in writing the policies that will be used to offer space on a tower to other communications providers, which shall serve to minimize the total number of towers necessary in the region.
  - 6) An applicant for a new commercial communications tower shall provide evidence to the Zoning Hearing Board that they have investigated co-locating their facilities on an existing tower and other tall structures and have found such alternative to be unworkable. The reasons shall be provided. At an absolute minimum, placement upon existing or approved towers within a one mile radius shall be considered, in addition to other reasonable opportunities. The Zoning Hearing Board may require that an applicant reimburse the Township a maximum amount of \$1,000 to conduct an independent professional review of the applicant's evidence.
  - 7) A maximum total height of 200 feet above the ground shall apply in a commercial and industrial district and 150 feet in any other district where it may be allowed, unless the applicant proves to the Zoning Hearing Board that a taller height is absolutely necessary and unavoidable.
  - 8) The Zoning Hearing Board may require lighting of an antenna even if it will not be required by the Federal Aviation Administration. Such lighting is intended to provide protection for emergency medical helicopters.
  - 9) A new tower shall only be granted special exception approval in the CR or RR districts if the applicant proves to the satisfaction of the Zoning Hearing Board that there are no suitable locations for the antenna on existing towers and/or within commercial and industrial districts.
  - 10) A new tower shall be designed in a manner that minimizes its visual intrusiveness and environmental impacts to the maximum extent feasible. For example, monopole designs are preferred over lattice designs. Self-supporting towers are preferred over towers with guy wires that would require removal of larger numbers of trees.
- c. Purposes - These provisions for commercial communications antenna/towers are primarily designed to serve the following purposes, in addition to the overall objectives of this Ordinance:
- 1) To protect property values.
  - 2) To minimize the visual impact of antenna/towers, particularly considering the importance of the scenic beauty of the area in attracting visitors for outdoor recreation.
  - 3) To minimize the number and heights of towers in a manner that still provides for adequate telecommunications services and competition.
- d. A tower/antenna that serves emergency communications by a Township-recognized police, fire or ambulance organization, and is on the same lot as an emergency services station, shall be permitted by right. Such tower/antenna may also serve commercial purposes.

- e. Any antenna and tower that is no longer in active use shall be completely removed within 6 months after the discontinuance of use. The operator shall notify the Zoning Officer in writing after the antenna or tower use is no longer in active use. Any lease shall require such removal by the owner of the antenna/tower. Any lease should provide that the lease shall expire once the antenna/tower is removed.
  - f. All accessory utility buildings or cabinets shall: have a maximum total floor area of 400 square feet (which may be divided among adjacent buildings serving separate companies), have a maximum height of 10 feet and meet principal building setbacks.
  - g. If a tower would be within 150 feet of the centerline of a perennial creek, natural gas or propane is recommended for any emergency power source, instead of battery and/or gasoline powered generators.
  - h. If a new tower is proposed within 1 mile of the Appalachian Trail, a letter shall be sent to the Appalachian Trail Conference notifying them of the proposal at least 10 days before any hearing.
  - i. If an Environmental Impact Study or Environmental Assessment is required by Federal regulations, a copy shall be submitted to the Zoning Officer at the same time it is submitted to the applicable Federal agency.
15. Conversion of an Existing Building (including an Existing Dwelling) into Dwelling Units.
- a. See Article 3, which regulates where conversions are permitted. Applicable State fire safety requirements shall be met.
  - b. The following regulations shall apply to the conversion of an existing one family dwelling into a greater number of dwelling units:
    - 1) The building shall maintain the appearance of a one family dwelling with a single front entrance. Additional entrances may be placed on the side or rear of the structure. The dwelling units may internally share the single front entrance.
    - 2) The conversion shall not be permitted if it would require the placement of an exterior stairway on the front of the building, or would require the placement of more than 3 off-street parking spaces in the required front yard.
  - c. A previously residential building shall maintain a clearly residential appearance, except as may be necessary for restoration of a historic building.
  - d. Dumpster Screening - See Section 806.
  - e. A maximum total of 4 dwelling units may be developed per lot unless a more restrictive provision is established by another section of this Ordinance.
  - f. Each unit shall meet the definition of a dwelling unit and shall meet the minimum floor area requirements of Section 801.C.
16. Day Care Center, Child.
- a. See also "Day care: Family Day Care Home or Group Day Care" as an accessory use in Section 403.
  - b. The use shall comply with any applicable state and federal regulations, including having an appropriate PA. Department of Public Welfare (or its successor agency) registration certificate or license.
  - c. Convenient parking spaces within the requirements of Article 6 shall be provided for persons delivering and waiting for children.
  - d. In residential districts, where permitted as a principal use, a day care use shall have a minimum lot area of 1 acre and a minimum setback of 20 feet from an abutting "residential lot line."
  - e. The use shall include secure fencing around outdoor play areas.
  - f. Outdoor play areas of a day care center involving the care of 25 or more children at any one time shall be setback a minimum of 25 feet from the exterior walls of an abutting existing dwelling.
  - g. This use shall not be conducted in a dwelling that is physically attached to another dwelling that does not have a common owner.
  - h. In residential districts, any permitted day care use shall maintain an exterior appearance that resembles and is compatible with any existing dwellings in the neighborhood.
  - i. A day care use may occur in a building that also includes permitted or non-conforming dwelling units.
  - j. See also the standards for a "Place of Worship" in this Section, which allows a day care center as an adjunct use.

17. Forestry.

- a. The following shall apply to commercial forestry involving more than 5 acres in any calendar year, other than routine thinning of woods:
  1. A Forestry Management Plan shall be prepared, submitted to the Zoning Officer and followed. This Plan shall be prepared by a professional forester. The Forestry Management Plan shall be consistent with the Timber Harvesting Guidelines of the PA. Forestry Association.
  2. The Forestry Management Plan shall include an appropriate method to ensure re-forestation, except for areas that have received development approval.
  3. An Erosion and Sedimentation Control Plan shall be submitted to the County Conservation District for any review and recommendation.
- b. Clearcutting shall be prohibited on areas greater than 2 acres, except as is necessary as part of an approved development. A minimum of 20 percent of the forest cover (canopy) shall be kept and the residual trees shall be well distributed.
- c. A sawmill shall be an allowed accessory use to a forestry operation.

18. Groundwater Withdrawal, involving removal of an averaging of more than 10,000 gallons per day from a lot for off-site consumption.

- a. The applicant shall provide a written report by a professional hydrologist describing in technical detail and in a narrative understandable by a layperson how the proposal would affect wells, agricultural activities and surface water levels in the surrounding region. The application shall only be approved if the applicant proves to the satisfaction of the Zoning Hearing Board that the proposed application will not adversely affect wells of neighboring properties, considering drought conditions, nor aquatic habitats of surface waters, nor agricultural yields.
- b. The applicant shall provide a written report by a professional traffic engineer. Such study shall analyze the suitability of the area street system to accommodate the truck traffic that will be generated. The application shall only be approved if the applicant proves to the satisfaction of the Zoning Hearing Board that the area street system is suitable in terms of structure, geometry, safety and capacity to accommodate the additional truck traffic.
- c. Any area used for loading or unloading of tractor-trailer trucks shall be setback a minimum of 100 feet from any adjacent residential lot.
- d. Minimum lot area - 100 acres.

19. Group Homes. Group homes are permitted within a lawful dwelling unit, provided the following additional requirements are met:

- a. See definition in Section 202.
- b. A Group Home shall not include any use meeting the definition of a "Treatment Center."
- c. A Group Home shall include the housing of a maximum of 6 unrelated persons, except:
  - 1) if a more restrictive requirement is established by another Township Code;
  - 2) the number of bona fide paid professional staff shall not count towards such maximum; and
  - 3) as may be approved by the Zoning Hearing Board under Section 111.D.
- d. The facility shall have adequate trained staff supervision for the number and type of residents. If the facility involves 5 or more residents, then 24 hour on-site staffing shall be provided.
- e. The applicant shall provide evidence of any applicable Federal, State or County licensing or certification to the Zoning Officer.
- f. The Group Home shall register in writing its location, general type of treatment/care, maximum number of residents and sponsoring agency with the Zoning Officer.
- g. Any medical or counseling services shall be limited to a maximum of 3 non-residents per day. Any staff meetings shall be limited to a maximum of 5 persons at one time.
- h. Parking - See Section 601.
- i. If a Group Home is in a residential district, an appearance shall be maintained that is closely similar to nearby dwellings, and no sign shall identify the use.
- j. The persons living on-site shall function as a common household unit.



20. Hotel or Motel.

- a. See definitions in Article 2, which distinguish a hotel/motel from a boarding house.
- b. Buildings and tractor-trailer truck parking shall be a minimum of 50 feet from any "residential lot line."

21. Junkyard. (includes automobile salvage yard)

- a. Storage of garbage or biodegradable material is prohibited, other than what is customarily generated on-site and routinely awaiting pick-up.
- b. Outdoor storage of junk shall be at least: a) 100 feet from any residential lot line and b) 50 feet from any other lot line and the existing right-of-way of any public street.
- c. The site shall contain a minimum of 2 exterior points of access, each of which is not less than 20 feet in width. One of these accesses may be limited to emergency vehicles. Cleared driveways shall be provided throughout the entire use to allow access by emergency vehicles. Adequate off-street parking areas shall be provided for customers.
- d. Outdoor storage shall be completely enclosed (except at approved driveway entrances) by a 40 foot wide buffer yard which complies with Section 803, unless such storage is not visible from an exterior lot line or street. The initial height of the evergreen planting shall be 6 feet. Secure fencing with a minimum height of 8 feet shall be provided and well-maintained around all outdoor storage areas. Such fencing shall be provided inside of the evergreen screening.
- e. Burning or incineration is prohibited.
- f. See the noise or dust regulations of Article 5.
- g. All gasoline, antifreeze and oil shall be drained from all vehicles and properly disposed of. All batteries shall be removed from vehicles and properly stored in a suitable area on an impervious and properly drained surface.
- h. Lot area - 2 acres minimum; 20 acres maximum.
- i. Tires - see the "Outdoor Storage and Display" standards in Section 403.
- j. Any storage of junk shall be maintained a minimum distance of 100 feet from the centerline of any waterway, and shall be kept out of a drainage swale.

22. Kennel.

- a. All buildings in which animals are housed and all runs shall be located at least 200 feet from all "residential lot lines."
- b. Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be heard within any adjacent principal building.
- c. No animal shall be permitted to use outdoor runs from 8 p.m. to 8 a.m. that are within 250 feet of an existing dwelling. Runs for dogs shall be separated from each other by visual barriers a minimum of 4 feet in height, to minimize dog barking.
- d. See State law regulating kennels.
- e. Minimum lot area - 6 acres.

23. Livestock and Poultry, Raising of.

- a. "Intensive raising of livestock or poultry" shall only be permitted as a special exception use, and shall only be permitted in the zoning districts authorized in Article 3.
- b. Minimum lot area - 5 acres, except a minimum lot area of 50 acres and a minimum lot width of 500 feet shall apply for an "Intensive Raising of Livestock or Poultry" use.
- c. Except for an Intensive Raising of Livestock or Poultry use, any structure or concentrated feeding areas for the keeping of livestock or poultry shall be located a minimum of: 1) 300 feet from any lot line of an existing dwelling, and 2) 100 feet from all other exterior lot lines. As a special exception use, the Zoning Hearing Board may approve a smaller setback for the expansion of facilities that existed prior to the adoption of this Section where the applicant proves that there is no reasonable and feasible alternative.
- d. For an Intensive Raising of Livestock or Poultry use, any structure or feeding areas for the keeping of livestock or poultry shall be located a minimum of: 1) 600 feet from any lot line of an existing dwelling, 2) 1,000 feet from any existing dwelling and 2) 300 feet from all other exterior lot lines.

The outer perimeter of the land area onto which waste is applied from a lagoon from a swine farm shall be a minimum of 50 feet from any lot line.

- e. The setbacks from property lines shall not apply from dwellings or residential lots owned by: (1) the operator or owner of the livestock use or (2) affected property-owners providing a written notarized letter waiving such setback.
- f. Fencing shall be used as necessary and practical to prevent livestock from entering streets or unauthorized property.
- g. The keeping of minks or garbage-fed pigs shall be setback a minimum of 600 feet from all lot lines. For any garbage-fed pigs, the applicant shall provide a written statement of the methods to be used to control odors, pests, rodents and health hazards.
- h. For any new or expanded operation regulated under the State Nutrient Management Act, the applicant shall provide evidence to the Township that the Nutrient Management Plan and other requirements of the Act and accompanying regulations are being complied with.
- i. New or expanded manure storage facilities or structures or concentrated feeding areas used for the keeping of livestock or poultry shall:
  - (1) not be located within the 100 year floodplain;
  - (2) not be located within 100 feet of a perennial stream, river, spring, lake, pond or reservoir,
  - (3) not be located within 100 feet of a private water well or open sinkhole,
  - (4) not be located within 100 feet of an active public drinking well or an active intake for a public water supply,
- j. New or expanded manure storage facilities shall not be located within 200 feet of a property-line.
- k. The following additional requirements shall apply to an Intensive Raising of Livestock or Poultry use:
  - (1) The applicant shall provide the plans, including a soil and water conservation plan, to the County Conservation District for review. A stormwater management plan shall be submitted to the Township Engineer, who shall provide a review to the Zoning Hearing Board. The applicant shall be responsible to pay for the costs of such reviews.
  - (2) The applicant shall prove to the satisfaction of the Zoning Hearing Board that:
    - (a) Solid and liquid wastes will be disposed of in a manner that minimizes insect, odor and rodent nuisances. A written odor control plan shall be submitted and shall be complied with if approved. Such plan shall describe methods that will be used to properly dispose of dead animals.
    - (b) The applicant shall show compliance with applicable State and Federal environmental regulations.
    - (c) The location of the facility is based upon a consideration of prevailing wind patterns.
    - (d) A 50 feet wide landscaped area will be provided adjacent to any lot line of a dwelling.
    - (e) The driveway, driveway entrance and adjacent roads are suitable to accommodate the amounts and sizes of truck traffic that will be generated by the use. The Board may require that the driveway be improved as necessary to control dust. A turnaround shall be provided so that trucks do not need to back out onto a public road.
    - (f) Sufficient water supplies are available to serve the facility without adversely affecting water supplies of neighboring properties.
  - (3) The applicant shall provide a written comparison of proposed methods of controlling nuisances and avoiding pollution to standard guidelines on such matters published by the State Department of Agriculture, State Department of Environmental Protection, Pennsylvania State University and industry associations.
- l. The maximum building coverage shall be 10 percent, unless a more restrictive requirement applies under another section
- m. See also "Composting" in Section 403.

24. Mineral Extraction.

- a. Application Requirements. A copy of all site plan information that will be required by the PA. DEP shall also be submitted to the Township as part of the Zoning Application.

- b. A detailed and appropriate land reclamation and reuse plan of the area to be excavated shall be submitted to the Zoning Officer. Compliance with such plan shall be a condition of Township permits.
- c. After areas are used for mineral extraction, those areas shall be reclaimed in phases to a non-hazardous and environmentally sound state permitting some productive or beneficial future use.
- d. A 75 feet wide yard covered by natural vegetative ground cover (except at approved driveway crossings) shall be required along all exterior lot lines that are within 250 feet of an area of excavation. This yard shall include an earth berm with a minimum average height of 6 feet and an average of 1 shade tree for each 50 feet of distance along the lot lines. Such shade trees shall be planted outside of any berm and any fence.
- e. The following minimum setbacks shall apply for the excavated area of a mineral extraction use from property that is not owned by the owner or operator of the mineral extraction use:
  - (1) 100 feet from the existing right-of-way of public streets and from all exterior lot lines of the property,
  - (2) 150 feet from a commercial or industrial building, unless released by the owner thereof,
  - (3) 400 feet from a "residential lot line", other than a dwelling owned by the owner of the mineral extraction use,
  - (4) 150 feet from the lot line of a publicly-owned recreation area that existed at time of the application for the use or expansion.
- f. The excavated area of a mineral extraction use shall be setback 150 feet from the average waterline of a perennial stream or the edge of a natural wetland of more than 2 acres.
- g. Truck access to the use shall be located to reasonably minimize: hazards on public streets and dust and noise nuisances to residences.
- h. Fencing. The Zoning Hearing Board may require secure fencing in locations where needed to protect public safety. As an alternative, the Zoning Hearing Board may approve the use of thorny vegetation to discourage public access. Also, warning signs shall be placed at intervals of not less than 100 feet around the outer edge of the use.
- i. Noise and Performance Standards. See Article 5.
- j. County Conservation District. A soil erosion and sedimentation plan shall be prepared by the applicant and found to be acceptable to the County Conservation District.
- k. Hours of Operation. The Zoning Hearing Board, as a condition of special exception approval, may reasonably limit the hours of operation of the use and of related trucking and blasting operations to protect the character of adjacent residential areas.
- l. The activities and residual effects shall not create conditions that are significantly hazardous to the health and safety of neighboring residents.

25. Membership Club.

- a. See definition in Article 2.
- b. Any active outdoor play areas shall be setback at least 30 feet from any abutting "residential lot line."
- c. The use shall comply with the provisions for "After Hours Club" if applicable.

26. Mobile/Manufactured Home - Installed on an individual lot or within a mobile/ manufactured home park approved after the adoption of this ordinance.

- a. Construction. Any mobile/manufactured home placed on any lot after the adoption of this Ordinance shall be constructed in accordance with 1976 or later Safety and Construction Standards of the U.S. Department of Housing and Urban Development. (Note: These Federal standards supersede any BOCA Code for the actual construction of the home itself.)
- b. Each site shall be graded to provide a stable and well-drained area.
- c. Each home shall have hitch and tires removed.
- d. Anchoring. A mobile/manufactured home on an individual lot or mobile/manufactured home park shall include a system that properly secures the home to the ground to prevent shifting, overturning or uneven settling of the home, with a secure base for the tie-downs. The anchoring devices shall extend below the frost line.
- e. Foundation Treatment. The space between the bottom of the home and the ground and/or home pad shall be enclosed using a durable fire-resistant material that has the appearance of a foundation of a site-built

- home, such as material with a concrete-type or stucco facing. This subsection e. shall not apply within a Manufactured/Mobile Home Park. Metal skirting may only be permitted within a Manufactured/Mobile Home Park. Provisions shall be provided for access to utility connections under the home.
- f. The front door of the home shall face onto a public street, except within a Mobile Home Park.
- g. See also the regulations of Section 307.

27. Mobile/Manufactured Home Park.

- a. Plans and Permits. Plans shall be submitted and reviewed by the Township for all mobile/manufactured home parks in compliance with the mobile home park provisions of the Subdivision and Land Development Ordinance and all other provisions of such ordinance that apply to a land development, including the submission, approval and improvements provisions (other than specific provisions altered by this Section).
  - (1) Where this Ordinance and the Subdivision and Land Development Ordinance both regulate the same matter concerning a manufactured home park, and the sections conflict, then the provisions of this Ordinance shall apply concerning that matter.
- b. The minimum tract area shall be 5 contiguous acres, which shall be under single ownership, but which may include land in an abutting existing mobile home park. The tract shall have a minimum width at the minimum building setback line of 200 feet. Two abutting lots may be merged together to form a single mobile/manufactured home park.
- c. Density - The maximum average overall density shall be 3 dwelling units per acre. See Section 313 which provides a method to increase this density.
  - (1) To calculate this density: a) land in common open space or proposed streets within the park may be included, but b) land within the 100 year floodplain, wetlands and slopes over 15 percent shall not be included.
  - (2) Phases. If an existing mobile home park is to be expanded into an area not previously part of that mobile home park, the maximum density and minimum common open space for the new area shall be considered separately from the previously approved areas of the mobile home park. All expansions outward of an existing park shall meet all provisions of this and other applicable ordinances.
- d. Landscaped Perimeter - Each mobile/manufactured home park shall include a 25 foot wide landscaped area including substantial attractive evergreen and deciduous trees around the perimeter of the site, except where such landscaping would obstruct safe sight distances for traffic. A planting plan for such area shall be approved by the Zoning Hearing Board as part of any required special exception approval. Such landscaped area shall not be required between adjacent mobile home park developments. This landscaped area shall be 35 feet wide abutting existing single family detached dwellings. The same area of land may count towards both the landscaped area and the building setback requirements.
- e. A dwelling, including any attached accessory building, shall be setback a minimum of 25 feet from another dwelling within the mobile home park, except that unenclosed porches, awnings and decks may be 15 feet from the walls of another dwelling.
- f. The minimum separation between homes and edge of interior street cartway or parking court cartway shall be 25 feet.
- g. The minimum principal and accessory building setbacks from exterior/boundary lot lines shall be 40 feet.
  - h. Each home shall comply with the above requirements for Mobile/Manufactured Homes in this Section 402.
- i. Accessory Structures. A detached accessory structure or garage shall be separated a minimum of 15 feet from any dwelling units which the accessory structure is not accessory to.
- j. Common Open Space for a Mobile Home Park. A minimum of 20 percent of the total lot area of the entire mobile home park shall be set aside as common open space for the residents. The applicant shall prove that these areas will be suitable for active or passive recreation. If a development will not be restricted to persons over age 55, then the common open space shall at a minimum include a rectangular grass field suitable for free play by young persons. If a development will be restricted to persons over age 55, then the common open space shall at a minimum include landscaped paved trails. A recreation building or pool available to all residents of the development may count towards this requirement. Areas

with a width of less than 50 feet shall not count towards this requirement, except in the perimeter buffer yard. This requirement shall be in place of any requirement for recreation land or fees under the Subdivision and Land Development Ordinance.

k. Streets.

- (1) Access to individual mobile home spaces shall be from interior parking courts, access drives or private streets and shall not be from public streets exterior to the development.
- (2) Streets within the mobile home park that provide access to reach 20 or more dwellings shall have a minimum paved cartway of 24 feet, and other local private streets or parking courts serving less than 20 homes shall have a minimum paved cartway of 20 feet.
- (3) Curbs and sidewalks are not required on the private streets, but all private streets shall meet all other Township cartway construction standards.

l. Utilities. All units within the mobile home park shall be connected to a public water and a public sewage system. The system shall meet appropriate minimum water pressure/fire flow and hydrant requirements.

m. The following provisions shall apply to Mobile/Manufactured Home Parks that lawfully existed prior to

the adoption of this Ordinance:

- (1) The number of dwelling units shall not be increased, except in compliance with all of the provisions of this Section 402.A.27.
- (2) One or more existing mobile/manufactured home(s) may be replaced with a different mobile/manufactured home as a permitted by right use without meeting all of the requirements of Section 402.A.27, provided that all of the following requirements are met:
  - a) the perimeter building setbacks of the property shall not be reduced from what previously existed, except as is necessary to accommodate a maximum 14 feet wide 70 feet long dwelling where a more narrow or shorter dwelling previously existed.
  - b) the replacement dwelling shall meet all provisions of Section 402.A.26 above, and a minimum setback of 15 feet shall be maintained between the enclosed walls of each dwelling unit.

n. Where the provisions of this subsection 402.A.27. directly conflict with the provisions of the Subdivision and Land Development Ordinance, the provisions of this subsection shall prevail.

28. Motor Vehicle Race Track.

- a. All areas used for the racing, testing and maintenance of motor vehicles shall be setback a minimum of 400 feet from the lot line of an existing dwelling.
- b. All buildings, parking, loading and unloading areas shall be setback a minimum of 150 feet from the lot line of an existing dwelling.
- c. The applicant shall prove that the standards of Article 5 will be met, including noise, lighting and dust.
- d. Minimum lot area - 50 acres.

29. Nursing Home.

- a. Licensing - See definition in Article 2.
- b. A minimum of 20 percent of the lot shall be suitable and developed for passive recreation. This area shall include outdoor sitting areas and pedestrian walks.

30. Outdoor Storage and Display. - See this use under Section 403.

31. Picnic Grove, Private.

- a. All activity areas shall be a minimum of 250 feet of an existing dwelling on another lot. All parking areas shall be setback 100 feet from any residential lot line. The use shall not operate between the hours of 11 p.m. and 7 a.m.
- b. See noise and glare standards in Article 5.
- c. Minimum lot area - 10 acres.

32. Place of Worship.

- a. Minimum lot area- 3 acres, except 1 acre in the VC or GC district.
- b. Weekly religious education rooms and meeting rooms are permitted accessory uses provided that such uses are of such a character and intensity that they would be clearly customary and incidental to the place of worship. A primary or secondary school and/or a child or adult day care center may be approved on the same lot as a place of worship provided the requirements for such uses are also met. Noncommercial buses used primarily to transport persons to and from religious services or a permitted school on the lot may be parked on the lot. Other uses shall only be allowed if all of the requirements for such uses are also met, including being permitted in the applicable district.
- c. A maximum of one dwelling unit may be accessory to a place of worship on the same lot. Such dwelling shall only be used to house one "family." No other residential use shall be allowed.
- d. If within a residential district, any new place of worship shall be adjacent to an existing collector or arterial street that is in public ownership. See street classifications under "Streets" in Section 202.
- e. Minimum building setback from a lot line of an existing dwelling in a residential district - 100 feet.
- f. Minimum parking setback from a lot line of an existing dwelling in a residential district - 40 feet.

33. Recreation, Outdoor (other than "Publicly-Owned Recreation")

- a. Any outdoor activity area shall be located no closer to any lot line than the required front yard depth and shall be screened and, if necessary, sound insulation shall be provided to protect the neighborhood from any possible noise.
- b. A 20 feet wide buffer yard in accordance with Section 803 shall be required.
- c. Any swimming pool shall meet the requirements for such use, as stated in this Article.
- d. Lighting, noise and glare control - See Article 5.
- e. The minimum lot area shall be 10 acres, unless a more restrictive lot area is established by another section of this Ordinance.
- f. Maximum impervious coverage in any residential district - 5 percent.
- g. Maximum building coverage in any non-residential district - 15 percent.
- h. A site plan meeting the requirements of Article 1 shall be submitted to the Township.
- i. No portion of an Outdoor Recreation Use used for active recreation shall be located within 100 feet of a residential lot line.
- j. Wherever woods exist adjacent to an exterior lot line of the use, such woods shall be preserved within at least 50 feet of such lot line, except for approved driveway, utility and trail crossings.
- k. Hours of operation. The use shall be conducted only between the hours of 9:00 a.m. and 10:00 p.m., unless more restrictive hours are established as a condition of any needed approval.
- l. Any Restaurant, Tavern, Retail Store, Target Range, Campground or Picnic Ground use shall only be allowed if those uses are permitted in the applicable district and if all requirements for each such use(s) are also met.

34. Recycling Collection Center.

- a. This use shall not be bound by the requirements of a Solid Waste Disposal Facility.
- b. All materials shall be kept in appropriate containers, with appropriate sanitary measures and frequent enough emptying to prevent the attraction of insects or rodents and to avoid fire hazards.
- c. Adequate provision shall be made for movement of trucks if needed and for off-street parking.
- d. A 20 feet wide buffer yard with screening as described in Section 803 shall be provided between this use and any abutting "residential lot line."
- e. This use may be a principal or accessory use, including being an accessory use to a commercial use, an industrial use, a public or private primary or secondary school, a place of worship or a Township-owned use, subject to the limitations of this section.
- f. Materials to be collected shall be of the same character as the following materials: paper, fabric, cardboard, plastic, metal, aluminum and glass. No garbage shall be stored as part of the use, except for that generated on-site and that accidentally collected with the recyclables. Only materials clearly being actively collected for recycling may be stored on site.

- g. The use shall only include the following operations: collection, sorting, baling, loading, weighing, routine cleaning and closely similar work. No burning or landfilling shall occur. No mechanical operations shall routinely occur at the site other than operations such as baling of cardboard.
  - h. The use shall not include the collection or processing of pieces of metal that have a weight greater than 50 pounds, except within an industrial district.
  - i. The use shall include the storage of a maximum of 50 tons of materials on the site if the use is within a residential district and within 500 feet of an existing dwelling.
35. Residential Conversions. See "Conversions of an Existing Building" within this Section.
36. Restaurant.
- a. Screening of Dumpster and Waste Containers - See Section 806.
  - b. See "Drive-Thru" service in Section 403.
  - c. Drive-thru service shall only be provided where specifically permitted in the applicable district regulations.
37. School, Public or Private, Primary or Secondary
- a. Minimum lot area - 3 acres.
  - b. No children's play equipment, basketball courts or illuminated recreation facilities shall be within 50 feet of a residential lot line.
  - c. The use shall not include a dormitory unless specifically permitted in the District.
38. Self-Storage Development.
- a. All storage units shall be of fire-resistant construction.
  - b. Outdoor storage shall be limited to recreational vehicles, boats and trailers. No "junk vehicles" shall be stored within view of a public street or a dwelling.
  - c. Trash, radioactive or highly toxic substances, garbage, refuse, explosives or flammable materials, hazardous substances, animal carcasses or skins, or similar items shall not be stored.
  - d. Nothing shall be stored in interior traffic aisles, required off-street parking areas, loading areas or accessways.
  - e. The use shall not include a commercial auto repair garage unless that use is permitted in the district and the use meets those requirements.
  - f. Adequate lighting shall be provided for security, but it shall be directed away or shielded from any adjacent residential uses.
  - g. See Section 803 concerning buffer yards. In addition, any outdoor storage or garage doors within 200 feet of a street right-of-way and visible from the street shall be screened from that street by a buffer yard meeting Section 803. Any fencing shall be placed on the inside of the plantings.
  - h. Minimum separation between buildings- 20 feet. Maximum length of any building - 300 feet.
39. Solid Waste Transfer Facility, Solid Waste Landfill or Solid Waste-to-Energy Facility . - See definition in Article 2.
- a. All solid waste storage, disposal, incineration or processing shall be at least 200 feet from the following: public street right-of-way, exterior lot line, 100 year floodplain, edge of a surface water body (including a water filled quarry) or wetland of more than 1/2 acre in area.
  - b. All solid waste storage, disposal, incineration or processing shall be a minimum of 500 feet from any residential district, perennial creek, publicly-owned park or any existing dwelling that the applicant does not have an agreement to purchase.
  - c. The use shall be served by a minimum of 2 paved access roads, each with a minimum cartway width of 24 feet. One of these roads may be restricted to use by emergency vehicles.
  - d. No burning or incineration shall occur, except within an approved Waste to Energy Facility.
  - e. The operation and day-to-day maintenance of the solid waste disposal area shall comply with all applicable State and Federal regulations as a condition of the continuance of any permit of the Township. Violations of this condition shall also be considered to be violations of this Ordinance.

- f. Open dumps and open burning of refuse are prohibited.
  - g. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the existing street network can handle the additional truck traffic, especially without bringing extraordinary numbers of trash hauling trucks through or alongside existing residential or residentially zoned areas and especially considering the width and slopes of streets in the Township.
  - h. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use would not routinely create noxious odors off of the tract.
  - i. A chainlink or other approved fence with a minimum height of 8 feet shall surround active solid waste disposal areas to prevent the scattering of litter and to keep out children, unless the applicant proves to the satisfaction of the Zoning Hearing Board that this is unnecessary. The Board shall require earth berms, evergreen screening and/or shade trees as needed shall be used to prevent landfill operations from being visible from an expressway or arterial streets or dwellings.
  - j. A minimum lot area of 15 acres shall be required for the first 250 tons per day of capacity to treat or dispose of waste, plus 1 acre for each additional 100 tons per day of capacity. A solid waste facility shall have a maximum total capacity of 500 tons per day.
  - k. Health Hazards. Any facility shall be operated in such a manner to prevent the attraction, harborage or breeding of insects, rodents or vectors.
  - l. Attendant. An attendant shall be present during all periods of operation or dumping.
  - m. Gates. Secure gates, fences, earth mounds and/or dense vegetation shall prevent unauthorized access.
  - n. Emergency Access. The operator of the use shall cooperate fully with local emergency services. This should include allowing practice exercises on the site and the provision of all information needed by the emergency services to determine potential hazards. Adequate means of emergency access shall be provided.
  - o. Under authority granted to the Township under Act 101 of 1988, the hours of operation shall be limited to between 7 a.m. and 9 p.m.
  - p. Tires. See "Outdoor Storage and Display" in Section 403.
  - q. Litter. The operator shall regularly police the area of the facility and surrounding streets to collect litter that may escape from the facility or trucks.
  - r. Dangerous Materials. No radioactive, hazardous, chemotherapeutic or infectious materials may be stored, processed, disposed or incinerated. Infectious materials are defined as medical wastes used or created in the treatment of persons or animals with seriously contagious diseases.
  - s. The applicant shall provide sufficient information for the Township to determine that the requirements of this Ordinance will be met.
  - t. State Requirements. Nothing in this Ordinance is intended to supersede any State requirements. It is the intent of this Ordinance that when similar issues are regulated on both the Township and State levels, that the stricter requirement shall apply for each aspect, unless it is determined that an individual State regulation preempts Township regulation in a particular aspect. The applicant shall provide the Zoning Officer with a copy of all written materials and plans that are submitted to PA. DEP at the same time as they are submitted to DEP.
  - u. All loading and unloading of solid waste shall only occur within an enclosed building, and over an impervious surface drains to a holding tank that is then adequately treated. All solid waste processing and storage shall occur within enclosed buildings or enclosed containers.
40. Stable, Nonhousehold. (Includes riding academies; See also "Keeping of Pets in Section 403)
- a. Minimum lot area - 2 acres for first 2 horses, plus ½ acre for each horse over 2.
  - b. Any horse barn, feed areas, manure storage areas or stable shall be a minimum of 250 feet from any "residential lot line". Any corral or fenced-in area shall be setback a minimum of 50 feet from any "residential lot line."
  - c. Manure shall be regularly collected and disposed of in a sanitary manner that avoids nuisances to neighbors. Manure shall be stored in a manner that prevents it from being carried off by runoff into a creek. Manure shall not be stored within 100 feet of a perennial waterway.
41. Swimming Pool, Non-Household.
- a. The water surface shall be setback at least 50 feet from any existing dwelling.



- b. Minimum lot area- 1 acre.
- c. Any water surface within 100 feet of an existing dwelling shall be separated from the dwelling by a buffer yard meeting Section 803.
- d. The water surface shall be surrounded by a secure, well- maintained fence at least 6 feet in height.
- e. Drainage. A proper method shall be provided for drainage of the water from the pool that will not flood other property.

42. Target Range.

- a. All target ranges shall have a barrier behind the target area which is of sufficient height and thickness to adequately protect the public safety. Within two years after the adoption of this Zoning Ordinance, any outdoor firearms target range that does not meet this subsection "a." and subsection "g" shall be brought into compliance with such subsections.
- b. The design of the outdoor firearms target range shall be compared by the applicant with applicable published guidelines of the National Rifle Association. The Zoning Hearing Board may consider such guidelines to be the generally accepted standard for the safety of these facilities.
- c. An outdoor firearms target range and any firing stations shall be located a minimum of 250 feet from any "residential lot line", unless all firing would occur within a completely enclosed sound-resistant building. Clay pigeon shooting shall be directed away from homes and streets.
- d. An outdoor firearms target range shall be properly posted. The Zoning Hearing Board may require fencing as necessary.
- e. The applicant shall provide evidence that the noise limits of Article 5 will be met.
- f. An indoor firearms target range shall be adequately ventilated and/or air conditioned to allow the building to remain completely enclosed.
- g. A target range shall only be used for types of firearms or other weapons for which it was specifically designed. Automatic weapons shall not be used.
- h. An outdoor target range shall not be used during nighttime hours. Maximum hours and days of operation may be established as a condition of the zoning approval.
- i. Minimum lot area for an outdoor firearms target range - 10 acres, unless a more restrictive provision is established by another provision of this Ordinance.
- j. See Section 803. Wherever woods exist adjacent to an exterior lot line of an outdoor firearms target range, such woods shall be preserved within at least 100 feet of each such lot line, except for approved driveway, utility and trail crossings.

43. Townhouses/Rowhouses and Apartments.

- a. Maximum Number of Townhouses Attached in any manner - 8.
- b. Paved Area Setback - All off-street parking spaces, except spaces on driveways immediately in front of a carport or garage entrance, shall be set back a minimum of 10 feet from any dwelling.
- c. Garages. It is strongly recommended that all townhouses be designed so that garages and/or carports are not an overly prominent part of the view from public streets. For this reason, parking courts, common garage or carport structures or garages at the rear of dwellings are encouraged instead of individual garages opening onto the front of the building, especially for narrow townhouse units.
- d. Mailboxes. Any mailboxes provided within the street right-of-way should be clustered together in an orderly and attractive arrangement or structure. Individual freestanding mailboxes of non-coordinated types at the curbside are specifically discouraged.
- e. Access. Vehicular access points onto all arterial and collector streets shall be minimized to the lowest reasonable number. No townhouse dwelling within a tract of 5 or more dwelling units shall have its own driveway entering onto an arterial or collector street.
- f. Common Open Space. A minimum of 20 percent of the total lot area of the development shall be set aside as common open space for the residents. The applicant shall prove that these areas will be suitable for active or passive recreation. If a development will not be restricted to persons over age 55, then the common open space shall at a minimum include a rectangular grass field suitable for free play by young persons. If a development will be restricted to persons over age 55, then the common open space shall at a minimum include landscaped paved trails. A recreation building or pool available to all residents of the development may count towards this requirement. Areas with a width of less than 50 feet shall not count

towards this requirement. This requirement shall be in place of any requirement for recreation land or fees under the Subdivision and Land Development Ordinance.

44. Treatment Centers.

- a. See definition in Section 202.
- b. The applicant shall provide a written description of all conditions (such as criminal parolees, alcohol addiction) that will cause persons to occupy the use during the life the permit. Any future additions to this list shall require an additional special exception approval.
- c. The applicant shall prove to the satisfaction of the Zoning Hearing Board that the use will involve adequate on-site supervision and security measures to protect public safety.
- d. The Zoning Hearing Board may place conditions upon the use to protect public safety, such as conditions on the types of residents and security measures.
- e. If the use involves 5 or more residents, a suitable recreation area shall be provided that is supervised by the center's staff.

45. Veterinarian Office. (includes Animal Hospital)

- a. Minimum lot area - 1 acre.
- b. Any structure in which animals are treated or housed shall be a minimum of 50 feet from any "residential lot line." Buildings shall be adequately soundproofed so that sounds generated within the buildings cannot routinely be perceived within any adjacent dwellings.
- c. Outdoor animal runs may be provided for small animals for use between 8 a.m. and 8 p.m., provided the runs are at least 150 feet from any existing dwelling and provided that the runs for dogs are separated from each other by visual barriers a minimum of 4 feet in height, to minimize dog barking.
- d. Although animals may be kept as an accessory use, a commercial kennel shall only be allowed if a kennel is permitted in that district and if the applicable requirements are met.

403. **ADDITIONAL REQUIREMENTS FOR ACCESSORY USES.**

403.A. General. Accessory buildings, structures or uses that are clearly customary and incidental to a permitted by right, special exception or conditional use are permitted by right, except as is provided for in this Ordinance. A business shall only be conducted as an accessory to a dwelling if specifically permitted by this Ordinance.

403.B. Accessory Setbacks. The accessory setback requirements of the applicable district shall apply to every accessory building, structure or use unless a standard that is clearly meant to be more restrictive or less restrictive is specifically stated in this Article for a particular accessory use. Accessory structure setback requirements shall not apply to permitted surface parking lots, fences or permitted accessory signs.

403.C. Front Yard Setback. No accessory structure, use or building shall be permitted in a required front yard in any district, unless specifically permitted by this Ordinance.

403.D. Special Standards. Each accessory use shall comply with all of the following standards listed for that use:

1. Antenna, Standard. (includes amateur radio antenna)

- a. Height. No standard antenna, including its supporting structure, shall have a total height above the average surrounding ground level of greater than 75 feet.
- b. Anchoring. An antenna shall be properly anchored to resist high winds.

2. Bees, Keeping of.

- a. Facilities for the keeping of bees shall be setback a minimum of 40 feet from any lotline and shall be fenced if within 100 feet of a lot line. Signs shall be erected as necessary to warn persons of the presence of bees.

- b. The bee facilities shall be located and managed in such a manner as to minimize the potential of the bees entering streets, sidewalks or unauthorized properties.
3. Composting as a principal or accessory use. (other than raising of mushrooms)
- a. All composting shall be conducted in such a manner that does not create a fire, rodent or disease-carrying insect hazard and does not cause noxious odors off of the subject property.
  - b. Composting shall be permitted as an accessory use, provided that the composting is limited to biodegradable vegetative material, including trees, shrubs, leaves and vegetable waste. Such composting shall be kept free of other garbage and animal fats.
  - c. Any composting of manure shall be restricted to lots of 5 acres or greater. Such composting shall comply with the published manure management standards of the Pennsylvania State University Cooperative Extension Service.
    - 1) Commercial bulk composting of manure brought to a site from land of four or more different landowners for off-site use or any bulk mushroom production shall be restricted to the RR or CR districts and shall require special exception approval. Such composting shall meet all of the following requirements:
      - a) be a minimum of 500 feet from any "residential lot line,"
      - b) involve all leachate and compost pad runoff being collected and properly treated,
      - c) include compost wharves being constructed of an acceptable all-weather impervious surface,
      - d) require that the applicant prove to the satisfaction of the Zoning Hearing Board that significant nuisances and health hazards will not be generated, through adequate setbacks, procedures, siting and structures, and
      - e) in addition, the Zoning Hearing Board may require that the operations occur within a completely enclosed building.
  - d. Setbacks. Composting areas of greater than 1 acres shall be setback 75 feet from lot lines of abutting residential lot lines.
4. Day Care, Child - as accessory to a Dwelling
- a. See Section 306 and the definitions in Section 202 concerning the number of children who can be cared for in different zoning districts in a Family Day Care Home or a Group Day Care Home.
  - b. In any case, 7 or more children (other than children who are "related" to the primary caregiver) shall only be cared for at one time within a single family detached dwelling with a minimum lot area of 1 acre and a 20 feet minimum setback from all existing dwellings on another lot(s). Four to 6 children, in addition to children who are "related" to the primary caregiver, shall only be cared for at one time within a dwelling that is not attached to another dwelling. The care of fewer numbers of children may occur within any lawful dwelling unit.
  - c. The dwelling shall retain a residential appearance with no change to the exterior of the dwelling to accommodate the use, other than cosmetic improvements.
  - d. Any day care center involving 7 or more children shall be considered a principal use and meet the standards of Section 402 for such use, if permitted.
  - e. The use shall be actively operated by a permanent resident of the dwelling.
  - f. If 4 or more children who are not related to a permanent resident of the dwelling are cared for, then a minimum of 200 square feet of safe exterior play area shall be available.
  - g. See also "Day Care Center" as a principal use in Section 402, and Day Care as accessory to a Place of Worship in Section 306.B.
    - h. The use shall comply with any applicable state and federal regulations, including having an appropriate State Department of Public Welfare (or its successor agency) registration certificate or license if required by such agency.
    - i. The use shall include a secure fence around any outdoor areas abutting streets that are routinely used for outdoor play.
5. Drive-through facilities
- a. The proposed traffic flow and ingress-egress shall not cause traffic hazards on adjacent streets.

- b. On-lot traffic circulation and parking areas shall be clearly marked.
  - c. A drive-through use shall be designed with space for an adequate number of waiting vehicles while avoiding conflicts with traffic onto, around and off of the site. Any drive-through facilities shall be designed to minimize conflicts with pedestrian traffic.
6. Farm-Related Business. This use shall be permitted by right on a lot of at least 25 acres, provided the following regulations are met for non-agricultural activities:
- a. A Farm-Related Business shall be defined as a low-intensity commercial or industrial activity that functions as a customary accessory use to an on-site principal agricultural use. Farm-related businesses are intended to provide supplemental income to farmers to encourage the continuation of farming, and to provide needed services to other farmers.
  - b. A Farm-Related Business shall be conducted by a resident or owner of the property, his/her “relatives,” and a maximum total of 4 other on-site employees, in addition to employees of the agricultural use. In addition, a barn that was constructed for agricultural purposes prior to the adoption of this Ordinance may be leased to a non-resident for a use meeting these standards.
  - c. To the maximum extent feasible, a Farm-Related Business should use an existing building. Buildings that existed prior to the effective date of this section may be used for a Farm-Related Business. Any new building constructed for a Farm-Related Business and any new parking area for trucks shall be set back a minimum of 100 feet from any lot line of an existing dwelling, unless a larger setback is required by another section of this Ordinance. The total of all building floor areas used for a Farm-Related Business shall not exceed 6,000 square feet. The total area used by the Farm-Related Business, including parking, shall not exceed 3 acres.
  - d. The Farm-Related Business shall not routinely require the overnight parking of more than one tractor-trailer truck.
  - e. Any manufacturing operations shall be of a custom nature and shall be conducted indoors.
  - f. The Business shall not generate noxious odors, noise or glare beyond amounts that are typically generated by agricultural operations. Non-agricultural operations shall not routinely occur in a manner that generates traffic or noise heard by neighbors between the hours of 9 p.m. and 7 a.m.
  - g. Any retail sales shall only be occasional in nature, and shall occur by appointment or during a maximum of 20 hours per week. This provision shall not restrict permitted sale of agricultural products.
  - h. Only one sign shall advertise a Farm-Related Business, which shall have a maximum sign area of 12 square feet on each of two sides, and which shall not be internally illuminated, and which shall have a maximum height of 10 feet.
  - i. The following activities, and activities that the applicant proves to the Zoning Officer are closely similar, shall be permitted as Farm-Related Businesses:
    - (1) farm equipment, farm vehicle or buggy repair,
    - (2) occasional repair of one motor vehicle at a time, beyond those vehicles owned or leased by a resident of the property or his/her relative, but not including a junkyard, auto body shop or spray painting,
    - (3) light welding and custom machining of parts,
    - (4) sale or mixing of seeds, feed and fertilizers, or mulch sales, provided a use that involves significant tractor-trailer truck traffic shall be located along an arterial or collector street,
    - (5) barber/beauty shops,
    - (6) construction tradesperson's headquarters,
    - (7) music, hobby, trade or art instruction for up to 10 persons at a time,
    - (8) small engine repair,
    - (9) custom woodworking or wood refinishing,
    - (10) custom blacksmithing or sharpening services,
    - (11) installation of accessories to motor vehicles,
    - (12) rental storage of household items and vehicles,
    - (13) boarding of animals, not including a kennel or a stable, which are treated separately
    - (14) custom butchering, not including a commercial slaughterhouse or stockyard,

- (15) processing and storage of agricultural products
- (16) sawmill
- (17) commercial farm tourism and special events, such as farm tours and Halloween activities

See also Stables and Retail Sales of Agricultural Products, which are treated as separate uses.

- j. This subsection shall not regulate agricultural uses that are permitted under other provisions of this Ordinance.
  - k. If an activity would be permitted as either a Farm-Related Business or a Home Occupation, then the applicant may choose which set of provisions shall apply.
  - m. One off-street parking space shall be provided per non-resident employee, plus parking for any dwelling. In addition, the applicant shall prove to the Zoning Officer that sufficient parking will be available for customers, which is not required to be paved.
  - n. All existing and new buildings shall maintain a residential or agricultural appearance, as viewed from a public street.
  - o. The use shall not involve the storage or use of highly hazardous, toxic, radioactive, flammable or explosive substances, other than types typically used in agriculture or a household.
  - p. Landscaping shall be placed between any outdoor storage of non-agricultural materials or products and any adjacent dwelling from which storage would be visible.
  - q. The applicant shall prove that adequate space will be provided for truck movements.
7. Fences and Walls.
- a. Fences and walls are permitted by right in all Districts. Any fence or wall shall be durably constructed and well-maintained. Fences that have deteriorated shall be replaced or removed.
  - b. No fence, wall or hedge shall obstruct the sight requirements of Section 803.C.
  - c. Fences -
    - 1) Front Yard. Any fence located in the required minimum front yard of a lot in a residential or VC district shall:
      - a) be an open-type of fence (such as picket or split rail) with a minimum ratio of 1:1 of open to structural areas,
      - b) not exceed 5 feet in height and
      - c) be constructed entirely of wood (plus any required fasteners and any wire mesh attached on the inside of the fence), or wrought iron or other material that closely resembles wood or wrought iron.
    - 2) On a corner lot, a fence or wall shall meet the same requirements along both streets as would apply within a front yard. A fence shall not be required to comply with minimum setbacks for accessory structures.
    - 3) Height. No maximum height shall apply to fences that are not within a residential district. A fence located in a residential district in a location other than a required front yard shall have a maximum height of 6.5 feet, except a maximum of height of 12 feet shall be permitted where the applicant proves to the Zoning Officer that such taller height is necessary to protect public safety around a specific hazard.
    - 4) Setbacks. No fence shall be built within an existing street right-of-way. A fence may be constructed without a setback from a lot line, except where buffer plantings are required by Section 803. Where no setback is required, a 1 foot or greater setback is recommended to provide for future maintenance of the fence and to account for possible inaccurate lot lines.
    - 5) Fence materials. Barbed wire shall not be used as part of fences around dwellings. Electrically charged fences shall only be used to contain farm animals, and shall be of such low intensity that they will not permanently injure humans. No fence shall be constructed out of fabric, junk, junk vehicles, appliances, tanks or barrels.
  - d. Walls -
    - 1) Engineered retaining walls necessary to hold back slopes are exempted from setback regulations and the regulations of this section, and are permitted by right as needed in all Districts.
    - 2) No wall of greater than 3 feet shall be located in the required front yard in a residential district, except as a backing for a permitted sign as permitted in Section 704.

- 3) A wall in a residential district outside of a required front yard shall have a maximum height of 3 feet if it is within the minimum accessory structure setback..
  - 4) Walls that are attached to a building shall be regulated as a part of that building.
8. Garage Sale.
- a. See definition in Article 2. A garage sale shall not include wholesale sales, nor sale of new merchandise of a type typically found in retail stores.
  - b. If accessory to a dwelling, no garage sales as an accessory to a dwelling shall be held on a lot during more than 2 days total in any 3 consecutive months.
  - c. The use shall be clearly accessory to the principal use.
  - d. No outdoor storage shall be permitted when the sale is not in operation.
9. Home Occupations.
- a. All home occupations shall meet the following requirements:
    - 1) The use shall be conducted primarily by a permanent resident of the dwelling, and involve a maximum of one person working on-site at any one time who does not reside within the dwelling. A maximum of one non-resident employee shall visit the property on a daily basis or operate a vehicle based at the property.
    - 2) The use shall be conducted indoors. No outdoor storage or display related to the home occupation shall be permitted. No changes shall occur to the exterior of a building that would reduce its residential appearance as viewed from a street.
    - 3) The use shall occupy an area that is not greater than 25 percent of the total floor area of the principal dwelling unit. The use shall clearly be secondary to the residential use.
    - 4) One off-street parking space shall be required per non-resident employee. In addition, for a General Home Occupation, the Zoning Hearing Board shall require additional off-street parking if the Board determines it is necessary for customer parking.
    - 5) The use shall not require delivery by tractor-trailer trucks.
    - 6) The regulations of Section 403.A.12.d. regarding parking of trucks shall apply to a home occupation. No excavating equipment shall be parked overnight on a residential lot or an adjacent street as part of a home occupation.
    - 7) No equipment or machinery shall be permitted that produces noise, noxious odor, vibration, glare, electrical or electronic interference detectable on another property. The use shall not involve the storage or use of hazardous, flammable or explosive substances, other than types and amounts typically found on a residential property. The use shall not involve the storage or use of "toxic" or "highly hazardous" substances.
    - 8) A home occupation shall not be conducted in a manner that is perceptible to other residents between the hours of 9 p.m. and 7:30 a.m.
    - 9) Any tutoring or instruction shall be limited to a maximum of 3 students at a time.
    - 10) A barber or beauty shop shall not include any non-resident employees.
    - 11) The main office of a medical doctor, chiropractor or dentist shall not be permitted as a home occupation.
    - 12) A Home Occupation may include one 2 square foot non-illuminated sign, as permitted by Article 7
    - 13) The Zoning Hearing Board shall deny a General Home Occupation application, or limit its intensity through conditions, if the Board determines the use would be too intense for the proposed location. In making such determination, the Board shall review the likely amounts of traffic, the types of operations involved and related nuisances, the amount of off-street and on-street parking that is available, the density of the neighborhood, whether the use would be adjacent to another dwelling, and setbacks from other dwellings.
      - a) The Zoning Hearing Board may also permit up to 3 non-resident employees as a special exception if the Board, after considering the above criteria, determines that the property is especially well-suited to a more intense use.

- 14) The use shall not involve manufacturing, other than of custom crafts and sewing. The use shall not involve commercial repair of motor vehicles.
  - 15) The use may include sales using telephone, mail order or electronic methods. On-site retail sales shall only be permitted within a General Home Occupation, and if specifically approved as part of a special exception approval. Such retail sales shall be limited to sales that are clearly accessory to an approved barber shop or similar on-site service.
  - 16) If more than one home occupation is accessory to a dwelling, the total aggregate impact of the home occupations shall be considered in determining compliance with this Ordinance.
  - 17) A zoning permit shall be required for any home occupation.
- b. In addition to the requirements listed in "a" above, the following additional requirements shall apply to a "Light Home Occupation:"
- 1) The use shall not routinely involve routine visits to the home occupation by customers or more than one non-resident employee at a time.
  - 2) The use shall only involve the following activities:
    - (a) work routinely conducted within an office,
    - (b) custom sewing and fabric and basket crafts,
    - (c) cooking and baking for off-site sales and use,
    - (d) creation of visual arts (such as painting or wood carving),
    - (e) repairs to and assembly of computers and computer peripherals, and
    - (f) a construction tradesperson, provided that a maximum of one non-resident employee shall routinely operate from the lot.
  - 3) On-site retail sales shall be prohibited.
10. Outdoor Storage and Display. Commercial or Industrial as a Principal or Accessory Use.
- a. Location. Outdoor storage or display shall not occupy any part of any of the following: the existing or future street right-of-way, sidewalk or other area intended or designed for pedestrian use or required parking area.
  - b. No such storage or display shall occur on areas with a slope in excess of 25% or within the 100 year floodplain.
  - c. Screening. See Section 803.
  - d. For tires not mounted on a motor vehicle, any outdoor storage of more than 25 tires on a lot in a residential district or more than 150 used tires in a non-residential district shall only be permitted as part of a Township-approved junkyard.
  - e. Where allowed, any storage of used tires shall involve stacks with a maximum height of 15 feet, and that cover a maximum of 400 square feet. Each stack shall be separated from other stacks from all lot lines by a minimum of 75 feet.
11. Pets, Keeping of.
- a. This is a permitted by right accessory use in all districts.
  - b. No use shall involve the keeping of animals or fowl in such a manner or of such types of animals that it creates a serious nuisance (including noise or odor), a health hazard or a public safety hazard. The owner of the animals shall be responsible for collecting and properly disposing of all fecal matter from pets. No dangerous animals shall be kept outdoors in a residential district, except within a secure, completely enclosed cage or fenced area of sufficient height or on a leash under full control of the owner.
  - c. On a lot of less than 5 acres, a maximum combined total of 6 dogs and cats shall be permitted to be kept by residents of each dwelling unit.
    - 1) Such limits shall only apply to dogs or cats over 6 months in age.
    - 2) Any greater number of dogs and/or cats shall need approval as a "kennel".
  - d. The keeping of 1 or 2 total pigeons (except as may be preempted by the State Carrier Pigeon Law), chickens, ducks, geese and/or similar fowl shall be permitted on lot with a minimum lot area of 10,000 square feet.

- e. Any keeping of pets shall only be permitted provided it does not create unsanitary conditions or noxious odors for neighbors.
  - f. Minimum lot area - 2 acres, plus ½ acre for each horse in excess of 2 horses.
  - g. Only those pets that are domesticated and are compatible with a residential character shall be permitted as "Keeping of Pets." Examples of permitted pets include dogs, cats, rabbits, gerbils and lizards, but do not include bears, goats, wolves, wolf-dog hybrids, cows, venomous snakes that could be toxic to humans, hogs or sheep.
  - h. It shall be unlawful on a residential lot to keep any "exotic wildlife" as defined by the Pennsylvania Game & Wildlife Code, whether or not an exotic wildlife possession permit has been issued.
12. Residential Accessory Structure or Use. (see definition in Article 2)
- a. Accessory structures and uses (other than fences) shall not be located within the required accessory use setback as stated in Section 307.A., unless specifically exempted by this Ordinance. Accessory structures shall not be located within a front yard, nor within any yard required to be equal in width to a front yard along a street on a corner lot.
  - b. Accessory buildings in a residential district on a lot of less than 2 acres shall meet the following requirements:
    - 1) Maximum total floor area of all accessory buildings- 1,000 square feet.
    - 2) Maximum of 2 accessory buildings per lot.
  - c. Height. See Section 307.B.
  - d. Parking of Commercial Trucks. The overnight outdoor parking of commercial trucks on a primarily residential lot in a residential district is prohibited, except that one of the following shall be permitted if such vehicle(s) is used by residents of the dwelling to travel to and from work:
    - 1) the parking of a maximum of 2 vehicles, each of up to 15,000 pounds aggregate gross vehicle weight, or
    - 2) the parking of 1 vehicle with an aggregate gross vehicle weight of over 15,000 pounds aggregate gross vehicle weight, provided such vehicle is kept a minimum of 50 feet from any dwelling on another lot.
  - e. Repairs. Repairs of the following shall not occur on a principally residential lot:
    - 1) trucks with an aggregate gross vehicle weight of over 15,000 pounds aggregate gross vehicle weight, or
    - 2) vehicles not owned or leased by a resident of the lot or his/her "relative."
  - f. See setback exceptions in Section 803.B.
  - g. Unregistered Vehicles. A maximum of 2 "unregistered vehicles" shall be kept outside of an enclosed building on a residential lot of less than 50 acres. See also the definition of "Junkyard."
13. Retail Sales of Agricultural Products as an Accessory Use.
- a. The use shall be an accessory use incidental to a crop farming, greenhouse, plant nursery, orchard, winery or raising of livestock use.
  - b. The only retail sales shall be of agricultural products and horticultural products, in addition to any hand-made crafts produced by the operator of the market and/or his/her family. An average of not less than 30 percent of the products sold on-site shall have been produced by the operator or his/her family. This percentage may vary month to month, provided that the average is met.
  - c. Off-street parking shall be provided in compliance with the provisions of Article 6. No parking shall be permitted in such a way that it creates a safety hazard.
  - d. Any structure erected for this use that are not clearly permanent in nature shall be disassembled during seasons when products are not offered for sale.
  - e. Signs. See Section 709.
  - f. No stand shall be located closer than: 50 feet from a lot line of an existing dwelling, 25 feet from any other lot line or 100 feet from the closest intersecting point of street rights-of-ways at a street intersection, unless the sales occur within a dwelling or barn that existed prior to the adoption of this Ordinance.
  - g. A maximum total of 10,000 square feet of building floor area shall be used for such use.



- h. The use may occur within an existing dwelling, a barn or a separate stand. Any stand shall be maintained in good condition.
  - i. The retail sales shall be located on land owned by the operator of the market or upon a tract of 5 acres or more which the operator of the market actively farms.
  - j. The applicant shall prove to the Zoning Officer that the driveway has adequate sight distance, based upon the PennDOT standards that would apply to a normal commercial establishment along a state road, regardless of whether a PennDOT permit would be needed.
13. Swimming Pool, Household. (referred hereafter as "pool") - Any pool shall comply with Chapter 102 of the Township's Codified Ordinances, or its successor chapter. Such Chapter includes a requirement for secure fencing around a pool.
14. Unit for Care of Relative.
- a. The use shall meet the definition in Section 202.
  - b. The accessory unit shall be occupied by a maximum of two persons, who shall be "relatives" of the permanent residents of the principal dwelling unit. At least one resident of the accessory unit shall need such accommodations because of an illness, old age or disability.
  - c. The applicant shall prove to the Zoning Officer that the accessory unit has been designed and constructed so that it can be easily reconverted into part of the principal dwelling unit after the relative no longer resides within the unit. Such accessory unit may be converted into an additional bedroom(s), permitted home occupation area or similar use. A lawful detached garage may be converted into a Unit for Care of Relative, and then be reconverted to a garage or permitted home occupation area.
  - d. The applicant shall establish a legally binding mechanism in a form acceptable to the Township that will prohibit the use of the accessory unit as a separate dwelling unit after the relative no longer resides within the unit. Such mechanism shall also be binding upon future owners.
  - e. The owner of the property shall be required to annually renew the permit for the use. Such renewal shall be conditioned upon the owner proving that a relative of the occupants of the principal dwelling unit continues to reside within the accessory unit.
  - f. Such accessory unit shall not decrease the one family residential appearance of a one family dwelling, as viewed from exterior property lines.
  - g. Additional parking for the accessory unit is not required if the applicant proves that the resident(s) of the accessory unit will not routinely operate a vehicle.

## **ARTICLE 5**

### **ENVIRONMENTAL PROTECTION**

501. **EROSION CONTROL.** The landowner, person and/or entity performing any earth disturbance shall utilize sufficient measures to prevent soil erosion and sedimentation of creeks. See the Township Stormwater Management Ordinance.

- 501.A. The disturbed land area and the duration of exposure shall be kept to a practical minimum.
- 501.B. Any earth disturbance over 5,000 square feet of land area shall require the submission of an adequate Erosion and Sedimentation Control Plan to the Monroe County Conservation District.
- 501.C. See State erosion control regulations (Note: as of 1999 in 25 PA. Code Chapter 102).
- 501.D. If any earth materials are removed from a site (such as a burrow pit), the site shall be regraded and revegetated in a manner that controls soil erosion and that allows a suitable reuse of the site.

502. **NUISANCES AND HAZARDS TO PUBLIC SAFETY.**

- 502.A. No land owner, tenant nor lessee shall use or allow to be used any land or structures in a way that results or threatens to result in any of the following conditions:
  - 1. Transmission of communicable disease, including conditions that may encourage the breeding of insects or rodents.
  - 2. A physical hazard to the public, or a physical hazard that could be an attractive nuisance that would be accessible by children.
  - 3. Pollution to groundwaters or surface waters, other than as authorized by a State or Federal permit.
  - 4. Risks to public health and safety, such as but not limited to explosion, fire or biological hazards.
  - 5. Interference with the reasonable use and enjoyment of property by a neighboring landowner of ordinary sensitivities.
- 502.B. Additional Information. If the Zoning Officer has reason to believe that the proposed use may have difficulty complying with the standards of this Article, then the Zoning Officer may require an applicant to provide written descriptions of proposed machinery, hazardous substances, operations and safeguards.
- 502.C. Right-to-Know. Uses storing or utilizing hazardous materials shall comply with the State Right-to-Know Law, including providing written notifications to local fire companies.

503. **WETLANDS.** See Section 314.

504. **FLOOD-PRONE AREAS ("Floodplains").**

- 504.A. **[Added 3-4-2003 by Ord. No. 2003-Chapter 34-1]** Chapter 34 of the Codified Ordinances of Chestnuthill Township, the Building Construction and Flood Damage Prevention Ordinance ("Flood Prevention Ordinance") including by way of example and not limitation the 50 feet isolation distance of §34-7A.(4) shall apply. If specific provisions of this Zoning Ordinance and the Flood Prevention Ordinance conflict, the more restrictive provisions shall apply unless otherwise notes in the text of the Ordinance.

505. **NOISE.**

- 505.A. No principal or accessory use, or operations or activities on its lot, shall generate a sound level exceeding the limits established in the table below, when measured at the specified locations:

Sound Level Limits by Receiving Land Use/ District

LAND USE OR ZONING DISTRICT <u>RECEIVING</u> THE NOISE	HOURS/ DAYS	MAXIMUM SOUND LEVEL
At a Lot Line of a Residential Use in a Residential District	1) 7 a.m. to 9 p.m. other than Sundays, Christmas Day, Thanksgiving Day, New Years Day, Labor Day and Memorial Day 2) 9 p.m. to 7 a.m. plus all day Sundays, Christmas Day, Thanksgiving Day, New Years Day, Easter Sunday, Labor Day and Memorial Day	1) 62 dBA 2) 55 dBA
At any Other Lot Line	All times and days	70 dBA

Note- dBA means "A" weighted decibel.

- 505.B. The maximum permissible sound level limits set forth in the above table shall not apply to any of the following noise sources:
1. Sound needed to alert people about an emergency.
  2. Repair or installation of utilities or construction of structures, sidewalks or streets between the hours of 7 a.m. and 8 p.m., except for clearly emergency repairs which are not restricted by time.
  3. Household power tools and lawnmowers between the hours of 8 a.m. and 9 p.m.
  4. Agricultural activities, including permitted raising of livestock, but not exempting a commercial kennel.
  5. Public celebrations specifically authorized by the Borough Council or a County, State or Federal Government agency or body.
  6. Unamplified human voices or the sound of a single animal.
  7. Routine ringing of bells and chimes by a place of worship or municipal clock.
  8. Vehicles operating on a public street, railroads and aircraft.
506. **ODORS AND DUST.** No use shall generate odors or dust that are offensive to persons of average sensitivities beyond the boundaries of the subject lot.
507. **CONTROL OF LIGHT AND GLARE.** This section 507 shall only regulate exterior lighting that spills across lot lines or onto public streets.
- 507.A. **Street Lighting Exempted.** This Section 507 shall not apply to street lighting that is owned, financed or maintained by the Township or the State, nor to an individual porch light of a dwelling.
- 507.B. **Height of Lights.** No luminaire, spotlight or other light source that is within 200 feet of a lot line of an existing dwelling or approved residential lot shall be placed at a height exceeding 35 feet above the average surrounding ground level. This limitation shall not apply to lights needed for air safety nor lights intended solely to illuminate an architectural feature of a building, nor lighting of outdoor public recreation facilities.

- 507.C. Diffused. All light sources, including signs, shall be properly diffused as needed with a translucent or similar cover to prevent exposed bulbs from being directly visible from streets, public sidewalks, dwellings or adjacent lots.
- 507.D. Shielding. All light sources, including signs, shall be shielded around the light source and carefully directed and placed to prevent the lighting from creating a nuisance to reasonable persons in adjacent dwellings, and to prevent the lighting from shining into the eyes of passing motorists.
- 507.E. Flickering. Flashing, flickering or strobe lighting are prohibited, except for non-advertising seasonal lights between October 25th and January 10th.
- 507.F. Spillover. Exterior lighting on an institutional, commercial or industrial property shall not cause a spillover of light onto a residential lot that exceeds 1 horizontal foot-candle at a distance 10 feet inside the residential lot line. Exterior lighting shall not cause a nighttime spillover of light that exceeds 5 horizontal foot-candles onto a street.
- 507.G. Canopies. Light fixtures under commercial canopies (such as over gasoline pumps) shall be placed so that the cover is recessed or flush with the bottom surface of the canopy and/or shielded by the edge of the canopy so that light is restrained to no more than 85 degrees from vertical.
508. **STEEP SLOPES.** See Section 310.
509. **SETBACKS FROM CREEKS.** See Section 312.
510. **DUMPING.**
- 510.A. Solid waste shall not be deposited in a manner that does not comply with State solid waste management regulations. Solid waste shall not be deposited on a lot without the permission of the lot owner.
- 510.B. Commercial uses selling ready-to-consume food and beverage shall provide outdoor litter receptacles in locations that are convenient for customers. Such receptacles shall be regularly emptied.

## ARTICLE 6 OFF-STREET PARKING AND LOADING

### 601. REQUIRED NUMBER OF PARKING SPACES.

#### 601.A. Overall Requirements.

1. Number of Spaces. Each use that is newly developed, enlarged, significantly changed in type or increased in number of establishments shall provide and maintain off-street parking spaces in accordance with Table 6.1 and the regulations of this Article.
2. Uses Not Listed. Uses not specifically listed in Table 6.1 shall comply with the requirements for the most similar use listed in Table 6.1, unless the applicant proves to the satisfaction of the Zoning Officer that an alternative standard should be used for that use.
3. Multiple Uses. Where a proposed lot contains or includes more than one type of use, the number of parking spaces required shall be the sum of the parking requirements for each separate use.
4. Parking Landscaping. See Sections 803 and 804 of this Ordinance.

TABLE 6.1 - OFF-STREET PARKING REQUIREMENTS

USE	NUMBER OF OFF-STREET PARKING SPACES REQUIRED	PLUS 1 OFF-STREET PARKING SPACE FOR EACH:
<b>A. RESIDENTIAL USES:</b>		
1. Dwelling Unit, other than types listed separately in this table.	2 per dwelling unit*, except: 1 per conversion apartment that only includes one bedroom or is an efficiency unit. * Note: If desired, one space may be in a garage and one space in a driveway.	
2. Home Occupation	See Section 402	
3. Housing Permanently Restricted to Persons 62 Years and Older and/or the Physically Handicapped (other than Retirement Community)	1 per dwelling/ rental unit, except 0.4 per dwelling/ rental unit if evidence is presented that the non-physically handicapped persons will clearly primarily be over 70 years old	Non-Resident Employee
4. Boarding House	1 per rental unit or bed for adult, whichever is greater	Non-Resident Employee
5. Group Home	1 per 2 residents of a type reasonably expected to be able to drive a vehicle	Employee
<b>B. INSTITUTIONAL USES:</b>		
1. Place of Worship or Church	1 per 5 seats in room of largest capacity	Employee
2. Hospital	1 per 3 beds	1.2 Employees
3. Nursing Home	1 per 5 beds	1.1 Employees
4. Assisted Living Facility and/or Retirement Community	1 per 4 beds, plus 1.5 for each individual dwelling unit	1.1 Employees

5. Day Care Center	1 per 10 children, with spaces designed for safe and convenient drop-off and pick-up	1.1 Employees
6. School, Primary or Secondary	1 per 4 students aged 16 or older	Employee
7. Utility Facility	1 per vehicle routinely needed to service facility	
8. College, University or Trade School	1 per 1.5 students not living on campus who attend class at peak times (plus required spaces for on-campus housing)	Employee
9. Library, Community Center or Cultural Center or Museum	1 per 5 seats (or 1 per 250 sq. ft. of floor area accessible to patrons and/or users if seats are not typically provided)	Employee
10. Treatment Center	1 per 2 residents aged 16 years or older plus 1 per non-resident intended to be treated on-site at peak times	Non-Resident Employee
11. Swimming Pool, Non-Household	1 per 50 sq. ft. of water surface, other than wading pools	Employee
C. <u>COMMERCIAL USES:</u>	All commercial uses, as applicable, shall provide additional parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time. These additional spaces are not required to meet the stall size and parking aisle width requirements of this Ordinance.	
1. Auto Service Station or Repair Garage	5 per repair/ service bay and 1/4 per fuel nozzle with such spaces separated from accessways to pumps	Employee; plus any parking needed for a convenience store under "retail sales"
2. Auto, Boat, Recreational Vehicle or Manufactured Home Sales	1 per 15 vehicles, boats, Rvs or homes displayed	Employee
5. Bed and Breakfast Use	1 per rental unit plus the 2 per dwelling unit	Non-resident employee
6. Bowling Alley	2 per lane plus 2 per pool table	1.2 Employees
7. Car Wash	Adequate waiting and drying areas.	1.2 Employees
8. Financial Institution (includes bank)	1 per 200 sq. ft. of floor area accessible to customers, plus "office" parking for any administrative offices	1.2 Employees
9. Funeral Home	1 per 5 seats in rooms intended to be in use at one time for visitors, counting both permanent and temporary seating	Employee
10. Miniature Golf	1 per hole	1.2 Employees
11. Haircutting/ Hairstyling	1 per customer seat used for haircutting, hair styling, hair washing, manicuring or similar work	1.2 Employees

5. Day Care Center	1 per 10 children, with spaces designed for safe and convenient drop-off and pick-up	1.1 Employees
12. Hotel or Motel	1 per rental unit plus 1 per 4 seats in any meeting room (plus any required by any restaurant)	1.2 Employees
13. Laundromat	1 per 3 washing machines	On-site Employee
14. Offices or clinic, Medical/dental	5 per physician and 4 per dentist	1.2 Employees
15. Offices, other than above	1 per 300 sq. ft. of total floor area	
16. Personal Service Use, other than haircutting/ hairstyling (min. of 2 per establishment)	1 per 200 sq. ft. of floor area accessible to customers	1.2 Employees
17. Indoor Recreation (other than bowling alley), Membership Club or Exercise Club	1 per 4 persons of maximum capacity of all facilities	1.2 Employees
18. Outdoor Recreation (other than uses specifically listed in this table)	1 per 4 persons of capacity (50% may be on grass overflow areas with major driveways in gravel)	1.2 Employees
19. Restaurant	1 per 4 seats, or 3 spaces for a use without customer seats	1.2 Employees
20. Retail Sales (other than Types separately listed)	1 per 200 sq. ft. of floor area of rooms accessible to customers.	
21. Retail Sales of Only Furniture, Lumber, Carpeting, Bedding or Floor Covering	1 per 400 sq.ft. of floor area of rooms accessible to customers	
22. Tavern	1 per 30 sq. ft. of total floor area	1.2 Employees
23. Theater or Auditorium	1 per 4 seats, one-half of which may be met by convenient parking shared with other business uses on the same lot that are typically not routinely open beyond 9:00 p.m.	1.2 Employees
24. Trade/Hobby School	1 per 2 students on-site during peak use	1.2 Employee
25. Veterinarian Office	4 per veterinarian	1.2 Employee
<u>E. INDUSTRIAL USES:</u>  All industrial uses (including warehousing, distribution and manufacturing)	In addition to parking or storage needed for maximum number of vehicles stored, displayed or based at the lot at any point in time, which spaces are not required to meet the stall size and aisle width requirements of this Ordinance  1 per 1.2 employee, based upon the maximum number of employees on-site at peak period of times	1 visitor space for every 10 managers on the site
Self-Storage Development	1 per 20 storage units	1.2 Employee

602. **GENERAL REGULATIONS FOR OFF-STREET PARKING.**

602.A. General. Parking spaces and accessways shall be laid out to result in safe and orderly use, and to fully take into account all of the following: vehicular access onto and off the site, vehicular movement within the site, loading areas, pedestrian patterns and any drive-thru facilities. No parking area shall cause a safety hazard or impediment to traffic off the lot.

602.B. Existing Parking.

1. Any parking spaces serving such pre-existing structures or uses at the time of adoption of this Ordinance shall not in the future be reduced in number below the number required by this Ordinance.
2. If a new principal non-residential building is constructed on a lot, then any existing parking on such lot that serves such building shall be reconfigured to comply with this Ordinance, including but not limited to, requirements for channelization of traffic from adjacent streets, channelization of traffic within the lot, minimum aisle widths, paving and landscaping.

602.C. Change in Use or Expansion. A structure or use in existence at the effective date of this Ordinance that expands or changes in use of an existing principal building shall be required to provide all of the required parking for the entire size and type of the resulting use, except as follows:

1. If an existing lawful use includes less parking than would be required, then that deficit of parking shall be grandfathered for new uses. For example, if an existing store included 3 parking spaces and was required to provide 7 spaces, there is a deficit of 4 spaces. Therefore, if that store is converted to an office that would need 10 spaces, the office would need to provide a total of 6 spaces (10 minus the pre-existing deficit of 4).
2. If a use expands by an aggregate total maximum of 10 percent in the applicable measurement (such as building floor area) beyond what existed at the time of adoption of this Ordinance, then no additional parking is required. For example, if an existing building included 3,000 square feet, and a single minor addition of 300 square feet was proposed, then additional parking would not be required.

602.D. Continuing Obligation of Parking and Loading Spaces. All required numbers of parking spaces and off-street loading spaces shall be available as long as the use or building which the spaces serve still exist, and such spaces shall not be reduced in number below the minimum required by this ordinance. No required parking area or off-street loading spaces shall be used for any other use (such as storage or display of materials) that interferes with the area's availability for parking.

602.E. Location of Parking.

1. Required off-street parking spaces shall be on the same lot or abutting lot with the principal use served, unless the applicant proves to the satisfaction of the Zoning Hearing Board that a method of providing the spaces is guaranteed to be available during all of the years the use is in operation within 300 feet walking distance from the entrance of the principal use being served. Such distance may be increased to 500 feet for employee parking of a non-residential use. A written and signed lease shall be provided.
  - a. The Zoning Hearing Board may require that the use be approved for period of time consistent with the lease of the parking, and that a renewal of the permit shall only be approved if the parking lease is renewed.



602.F. Reduction of Parking Requirements as a Special Exception.

1. Purposes - To minimize the amount of land covered by paving, while making sure adequate parking is provided. To recognize that unique circumstances may justify a reduction in parking.
2. As a special exception, the Zoning Hearing Board may authorize a reduction in the number of off-street parking spaces required to be provided for a use if the applicant proves to the satisfaction of the Zoning Hearing Board that a lesser number of spaces would be sufficient.
  - a. The applicant shall provide evidence justifying the proposed reduced number of spaces, such as studies of similar developments during their peak hours. The applicant shall also provide relevant data, such as numbers of employers, peak expected number of customers/visitors and similar data.
  - b. Under this section, an applicant may prove that a reduced number of parking spaces is justified because more than one principal use will share the same parking. In such case, the applicant shall prove that the parking has been designed to encourage shared use, and that long-term agreements ensure that the parking will continue to be shared. The amount of the reduction in parking should be determined based upon whether the different uses have different hours of peak demand and/or overlapping customers.
  - c. Reserved Area for Additional Parking. Under this section, the Zoning Hearing Board may require that a portion of the required parking be met through a reservation of an area for future parking. The Board may require the reservation for a certain number of years or an indefinite period corresponding to the years the buildings are in use.
    - (1) Such reservation shall be in a form acceptable to the Zoning Hearing Board Solicitor that legally binds current and future owners of the land to keep the reserved parking area in open space and then to provide the additional parking if the Township determines it is necessary. A deed restriction is recommended.
    - (2) If approved under this subsection "c.", the applicant shall present a site plan to the Zoning Officer that shows the layout that will be used for the additional parking if the parking is required to be provided in the future. The site plan shall show that the additional parking is integrated with the overall traffic access and pedestrian access for the site, and that the additional parking will be able to meet Township requirements.
    - (3) The additional parking that is "reserved" under this subsection shall be required to be kept as landscaped open area, until such time as the Zoning Hearing Board decision may authorize the land's release from the restriction, or until the Township may require that the land be developed as parking.
    - (4) The Zoning Officer shall periodically review the sufficiency of the parking that is provided. If the Zoning Officer in the future determines that the reserved parking is needed to meet actual demand, he/she shall provide written notice to the property-owner. The property-owner shall then have one year to develop the reserved area into off-street parking in compliance with this Ordinance.

603. DESIGN STANDARDS FOR OFF-STREET PARKING.

603.A. General Requirements.

1. Backing Onto a Street. No parking area shall be designed to require or encourage

parked vehicles to back into a public street in order to leave a parking space, except for a single family or two-family dwelling with its access onto a local street or parking court. Parking spaces may back onto an alley.

2. Every required parking space shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle, except for spaces serving a single family, twin or townhouse dwelling.
3. Parking areas shall not be within a required buffer yard or street right-of-way.
4. Separation from Street. Except for parking spaces immediately in front of individual dwellings, all areas for off-street parking, off-street loading and unloading and the storage or movement of motor vehicles shall be physically separated from the street by a continuous grass or landscaped planting strip, except for necessary and approved vehicle entrances and exits to the lot.
5. Stacking and Obstructions. Each lot shall provide adequate area upon the lot to prevent back-up of vehicles on a public street while awaiting entry to the lot, or while waiting for service at a drive-thru facility.

603.B. Size and Marking of Parking Spaces.

1. Each parking space shall be a rectangle with a minimum width of 10 feet and a minimum length of 18 feet, except the minimum length shall be 22 feet for parallel parking.
2. For handicapped spaces, see Section 603.F. below.
3. All spaces shall be marked to indicate their location, except those of a one or two family dwelling.

603.C. Aisles. The following parking aisle widths shall supersede the aisle widths stated in the Subdivision and Land Development Ordinance.

1. Each aisle providing for one-way traffic to access parking stalls shall have the following minimum width:

Angle of Parking	Minimum Aisle Width
Parallel or 30 degrees	12 feet
45 degrees	14 feet
60 degrees	18 feet
90 degrees	20 feet

2. Each aisle providing access to stalls for two-way traffic shall be a minimum of 24 feet in width, except a width of 20 feet may be allowed for parking areas with spaces that are parallel or involve an angle of parking of 45 degrees or less.

603.D. Accessways and Driveways.

1. Width of Driveway/Accessway at Entrance onto a Public Street, at the edge of the cartway\*

	1-Way Use	2-Way Use
Minimum	12 feet *	25 feet *
Maximum	20 feet *	30 feet *

\* Unless a different standard is required by PennDOT for an entrance to a State road, or the applicant proves to the satisfaction of the Zoning Officer that a wider width is needed for tractor-trailer trucks.

2. Drainage. Adequate provisions shall be made to maintain uninterrupted parallel drainage along a public street at the point of driveway entry. The Township may require an applicant to install an appropriate type and size of pipe at a driveway crossing.
3. Street Entrance. Where a driveway or accessway enters onto a paved public street, the first 20 feet of distance of the driveway or accessway from the cartway shall be paved in asphalt, concrete, paving block or similar hard surface.

603.E. Paving, Grading and Drainage.

1. Parking and loading facilities and including driveways shall be graded and adequately drained to prevent erosion or excessive water flow across streets or adjoining properties.
2. Except for landscaped areas, all portions of required parking, loading facilities and driveways shall be surfaced with asphalt, concrete, paving block or other low-dust materials pre-approved by the Township. However, by special exception, the Zoning Hearing Board may allow parking areas with low usage to be maintained in stone and/or grass.

603.F. Lighting of Parking Areas. See "Light and Glare Control" in Article 5.

603.G. Handicapped Parking.

1. Number of Spaces. Any lot including 4 or more off-street parking spaces shall include a minimum of one handicapped space. The following number of handicapped spaces shall be provided, unless a greater number of spaces is officially required under the Federal Americans With Disabilities Act:

TOTAL NO. OF PARKING SPACES ON THE LOT	REQUIRED MINIMUM NO./ PERCENT OF HANDICAPPED PARKING SPACES
4 to 15	1
16 to 40	2
41 to 65	3
66 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of required number of spaces
1,001 or more	20 plus 1% of required number of spaces over 1,000

2. Location. Handicapped parking spaces shall be located where they would result in the shortest reasonable accessible distance to a handicapped accessible building entrance. Curb cuts shall be provided as needed to provide access from the handicapped spaces.
3. Minimum Size. Each required handicapped parking space shall be 8 by 18 feet. In addition, each space shall be adjacent to a 5 feet wide access aisle. Such access aisle may be shared by two handicapped spaces by being placed between them. However, 1 out of every 8 required handicapped parking spaces shall have an adjacent access aisle of 8 feet width instead of 5 feet.
4. Slope. Handicapped parking spaces shall be located in areas of less than 6 percent slope in any direction.
5. Marking. All required handicapped spaces shall be well-marked by clearly visible signs or pavement markings. Blue paint is recommended.
6. Paving. Handicapped parking spaces and adjacent areas needed to access them with a wheelchair shall be covered with a smooth surface that is usable with a wheelchair.

603.H. Paved Area Setbacks (including Off-Street Parking Setbacks).

1. Intent. To ensure that parked or moving vehicles within a lot do not obstruct sight distance or interfere with pedestrian traffic, to aid in storm water management along streets and to prevent vehicles from entering or exiting a lot other than at approved driveways.
2. Any new or expanded paved area serving a principal non-residential use shall be separated from a public street by a planting strip. The planting strip shall have a minimum width of 15 feet and be maintained in grass or other attractive vegetative groundcover.
  - a. The planting strip shall not include heights or locations of plants that would obstruct safe sight distances, but may include deciduous trees that motorists can view under the leaf canopy.
  - b. The planting strip may be placed inward from the shoulder of an uncurbed street or inward from the curb of a curbed street. The planting strip may overlap the street right-of-way, provided it does not conflict with PennDOT requirements, and provided that the Township and PennDOT as applicable maintain the right to replace planting areas within the right-of-way with future street improvements.
  - c. Township-approved sidewalks and approximately perpendicular driveway crossings may be placed within the planting strip. Signs may be placed within a planting strip outside of a street right-of-way provided all requirements of this Ordinance are met. Mostly vegetative stormwater channels may be placed within the planting strip.
  - d. The following shall be prohibited within the planting strip:
    1. paving, except for approved sidewalks and driveway crossings,
    2. fences, and
    3. parking, storage or display of vehicles or items for sale or rent.

604. OFF-STREET LOADING.

- 604.A. Each use shall provide off-street loading facilities, which meet the requirements of this Section, sufficient to accommodate the maximum demand generated by the use and the maximum size vehicle, in a manner that will not routinely obstruct traffic on a public street. If a reasonable alternative does not exist, traffic may be obstructed for occasional loading and unloading along an alley.
- 604.B. At the time of review under this Ordinance, the applicant shall provide evidence to the Zoning Officer on whether the use will have sufficient numbers and sizes of loading facilities. The Planning Commission and/or Board of Supervisors may provide advice to the Zoning Officer on this matter as part of any plan review by such boards. For the purposes of this Section, the words "loading" and "unloading" are used interchangeably.
- 604.C. Each space and the needed maneuvering room shall not intrude into approved buffer areas and landscaped areas.
- 604.D. Fire Lanes. Fire lanes shall be provided where required by State or Federal regulations or other local ordinances. The specific locations of these lanes are subject to review by Township Fire Officials.

## ARTICLE 7 SIGNS

### 701. APPLICABILITY.

- 701.A. Purposes. This Article is intended to: promote and maintain overall community aesthetic quality; establish reasonable time, place and manner of regulations for the exercise of free speech, without regulating content; promote traffic safety by avoiding distractions and sight distance obstructions; and protect property values and ensure compatibility with the character of neighboring uses.
- 701.B. Permit Required. A zoning permit shall be required for all signs except for: a) signs meeting the requirements of Section 703 and b) non-illuminated window signs constructed of paper, cardboard or similar materials and that are not of a permanent nature. Only types, sizes and heights of signs that are specifically permitted by this Ordinance within the applicable District shall be allowed.
- 701.C. Changes on Signs. Any lawfully existing sign (including nonconforming signs) may be painted or repaired or changed in logo or message without a new permit under this Ordinance provided that the changes do not increase the sign area or otherwise result in noncompliance or an increased non-conformity with this Ordinance.

### 702. NONCONFORMING SIGNS.

- 702.A. Signs legally existing at the time of enactment of this Ordinance and which do not conform to the requirements of the Ordinance shall be considered nonconforming signs.
- 702.B. An existing non-conforming sign may only be replaced with a conforming sign, except a lawful non-conforming sign serving a lawful non-conforming principal use on the same lot may be replaced with a new sign advertising the nonconforming use if the new sign is not more nonconforming in any manner than the previous sign.

703. MISCELLANEOUS SIGNS NOT REQUIRING PERMITS. The following signs shall be permitted by right within all zoning districts within the following regulations, and shall not be required to have a permit under this Article.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON RESI- DENTIAL LOTS (sq. ft.)	MAX. SIGN AREA PER SIGN * ON NON- RESIDENTIAL LOTS (sq. ft.)	OTHER REQUIREMENTS
<u>Agricultural Sales or Christmas Tree Sign</u> - Advertises the seasonal sale of agricultural products or Christmas trees.	2	8	30	Shall only be posted during seasons when such products are actively offered for sale.
<u>Charitable Event Sign</u> - Advertises a special event held a maximum of 9 days in any calendar year that primarily is held to benefit a U.S. Internal Revenue Service certified tax-exempt nonprofit organization.	2	4	40	Shall be placed a max. of 30 days prior to event and removed a max. of 7 days after event.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON RESI- DENTIAL LOTS (sq. ft.)	MAX. SIGN AREA PER SIGN * ON NON- RESIDENTIAL LOTS (sq. ft.)	OTHER REQUIREMENTS
<u>Contractor's Sign</u> - Advertises a building tradesperson, engineer or architect who is actively conducting significant work on a particular lot that is not such person's place of business.	2	8	40	Shall only be permitted while such work is actively and clearly underway and a max. of 10 days afterward. Such signs shall not be placed on the lot for more than 1 year, unless a 1 year extension is granted by the Zoning Officer. Shall not be illuminated.
<u>Directional Sign</u> - provides information indicating traffic direction, entry or exit, loading or service area, directions to apartment numbers or parking courts in a development, fire lanes, parking or closely similar information regarding the same lot as the sign is on, and that does not include advertising.	No max.	3, in addition to signs painted on pavement	3, in addition to signs painted on pavement	Directional signs within a residential development shall not be illuminated.
<u>Flag</u> - a pennant made of fabric or materials with a similar appearance that is hung in such a way to flow in the wind. See also "Special Sale Signs" below.	1	20	20	Flags of governments and flags that simply include colors or patterns are not regulated by this Ordinance, provided they do not exceed 10 in number.
<u>Garage Sale Sign</u> - advertises an occasional garage sale/porch sale or auction.	2 per event	2 per sign	2 per sign	Shall be placed a max. of 48 hrs. before permitted garage sale or auction begins, and be removed max. of 24 hrs. after event ends.
<u>Home Occupation Sign</u> - advertises a permitted home occupation.	1	2	2	Shall not be illuminated, except for a sign of a medical doctor. Shall be setback a minimum of 10 feet from the street right-of-way, unless printed on a mailbox. May be freestanding, attached flat on a building wall or within a window.
<u>Identification Sign</u> - only identifies the name and/or occupation of the resident and/or the name, street address and/or use of a lot, but that does not include advertising.	1	1, except 2 for a principal non-residential use.	6	Maximum height of 8 feet.
<u>Open House Sign</u> - advertises the temporary and periodic open house of a property for sale or rent.	2 per event	4	4	Shall be placed max. of 5 days before open house begins, and be removed max. of 24 hrs. after open house ends. Such sign shall not be posted more than 5 consecutive days.

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON RESI- DENTIAL LOTS (sq. ft.)	MAX. SIGN AREA PER SIGN * ON NON- RESIDENTIAL LOTS (sq. ft.)	OTHER REQUIREMENTS
<u>Political Sign</u> - advertises a person or party seeking political office or a political cause or opinion on a referendum or matter of political concern and which relates to a scheduled election or matter of upcoming vote by a governmental body.	No max- imum	Maximum total of 30	Maximum total of 60	Shall be placed a max. of 60 days prior to election, vote or referendum <b>and removed a max. of 5 days after such election</b> , vote or referendum. Persons posting political signs shall maintain a written list of locations of such signs, unless posting signs on their own property. Political signs shall not be placed on private property without the prior consent of the owner. If a political sign does not meet these requirements, then it shall be regulated as an "off-premises sign."
<u>Public Services Sign</u> - advertises the availability of restrooms, telephone or other similar public convenience.	No max.	2	2	
<u>Real Estate Sign</u> - advertises the availability of property on which the sign is located for sale, rent or lease.	1 per street the lot abuts	6	30	Shall only be placed on the property while it is actively for sale, lease or rent, and shall be removed a max. of 7 days after settlement or start of lease.
<u>Service Organization/ Place of Worship Sign</u> - an off-premises sign stating name of a recognized incorporated service organization or place of worship and that states the place and times of meetings or services and/or an arrow directing persons to such location.	2	2	2	Maximum of 2 such signs per such organization or place of worship.
<u>Special Sale Signs</u> - temporary banners, flags and other signs that advertise a special sales event at a lawful principal commercial business. A Portable Sign may be used under this provision..	5 per lot	Not permitted	Total of 60 sq. ft. for all such banners, flags and other temporary signs. No one banner, flag or sign shall exceed 40 sq. ft.	Shall be displayed a maximum of 7 consecutive days per event, and a maximum of 5 events per year. Such signs shall not flash, be internally illuminated, nor obstruct safe sight distances.
<u>Time and Temperature Sign</u> - with a sole purpose to announce the current time and temperature and any non-profit public service messages.	1	Not permitted	30	

TYPE AND DEFINITION OF SIGNS NOT REQUIRING PERMITS	MAX. NO. OF SIGNS PER LOT	MAX. SIGN AREA PER SIGN * ON RESI- DENTIAL LOTS (sq. ft.)	MAX. SIGN AREA PER SIGN * ON NON- RESIDENTIAL LOTS (sq. ft.)	OTHER REQUIREMENTS
<u>Trespassing Sign</u> - indicating that a road is private, that trespassing is prohibited on a lot, or controlling certain activities such as hunting and fishing on the lot.	No max.	2	4	

\* Maximum sign areas are for each of 2 sides of each permitted sign, measured in square feet.

In addition, the following types of signs are not regulated by this Ordinance:

- a. Historic Sign- memorializes an important historic place, event or person and that is specifically authorized by the Township or a County, State or Federal agency.
- b. Holiday Decorations- commemorates a holiday recognized by the Township, County, State or Federal Government and that does not include advertising.
- c. Not Readable Sign- not readable from any public street or any exterior lot line.
- d. Official Sign- erected by the State, County, Township or other legally constituted governmental body, or specifically authorized by Township ordinance or resolution, and which exists for public purposes.
- e. Required Sign- only includes information required to be posted outdoors by a government agency or the Township.
- f. Right-of-Way Sign- posted within the existing right-of-way of a public street and officially authorized by the Township or PennDOT.

#### 704. **FREESTANDING, WALL AND WINDOW SIGNS.**

704.A. The following are the signs permitted on a lot within the specified districts and within the following regulations, in addition to "Exempt Signs" and "Temporary Signs" permitted in all districts by other provisions of this Article. See definitions of the types of signs in Section 711.

ZONING DISTRICT OR TYPE OF USE	TOTAL MAXIMUM HEIGHT OF FREESTAN DING SIGNS	TOTAL MAXIMUM AREA OF WALL SIGNS	TOTAL MAXIMUM AREA OF WINDOW SIGNS	TOTAL MAXIMUM AREA AND NUMBER OF FREESTANDIN G SIGNS ***
<b>Residential Districts</b> for allowed principal non-residential uses.  For home occupation signs, see Section 703. <b>No new signs in these districts shall be internally illuminated.</b>	8 feet	40 square feet on each side of a principal building.	May be used in place of a wall sign with the same restrictions	1 sign on each street the lot abuts, each with a maximum sign area of 32 sq. ft.**



<b>ZONING DISTRICT OR TYPE OF USE</b>	<b>TOTAL MAXIMUM HEIGHT OF FREESTAN DING SIGNS</b>	<b>TOTAL MAXIMUM AREA OF WALL SIGNS</b>	<b>TOTAL MAXIMUM AREA OF WINDOW SIGNS</b>	<b>TOTAL MAXIMUM AREA AND NUMBER OF FREESTANDIN G SIGNS ***</b>
<b>VC District.</b>	18 feet	15% of the area of the building side on which the signs are attached.	Temporary non-illuminated window signs are not regulated. Other window signs are regulated under wall signs.	1 sign per street that the lot abuts, each with a maximum area of 32 sq.ft.**
<b>All Districts not listed above</b>	18 feet.	15% of the area of the building side on which the signs are attached.	Temporary non-illuminated window signs are not regulated. Other window signs are regulated under wall signs.	1 sign per street that the lot abuts, each with a maximum area of 50 sq.ft.**, *

\* If a lot includes 2 or more principal uses, the maximum freestanding sign area may be increased to 70 square feet. If a lot includes 5 or more principal uses, or the sale of new vehicles by 3 or more different companies, or the showing in a theater complex of more than 3 motion pictures at a time, or more than 300 feet of frontage along one street, then along one street, one or two freestanding signs shall be permitted with a maximum total freestanding sign area of 100 square feet.

\*\* If the permitted freestanding sign area is not used, such sign area may be added to the permitted wall sign area.

\*\*\* If a non-residential principal use abuts two or more public streets, then the freestanding sign provisions shall apply separately along each street. Therefore, a freestanding sign shall be permitted along each street.

704.B. Maximum Height of Wall Signs. The maximum height of wall signs shall be equal to the top of the roof along the wall to which they are attached.

1. A sign may be attached to a "parapet roof" that vertically extends up to 10 feet above the structural roof, provided the parapet roof appears to be an architectural extension of the building.

704.C. Portable Signs (Including "Signs on Mobile Stands") and Other Temporary Signs.

1. Purpose. These standards recognize portable signs as a particular type of sign that has the characteristics of a temporary sign but that has been inappropriately used as a permanent sign. This Section is based on the policy that if a use desires to regularly display a sign for regularly changing messages, that it erect a permanent sign within all of the requirements of this Ordinance.

2. Definition of a "Portable Sign"- A freestanding sign that is attached to a chassis or legs that allows it to be towed or carried from one location to another and that is not permanently attached to the ground.
3. Portable signs are prohibited in all districts, except as a temporary Charitable Event or temporary Special Sale sign as permitted by Section 703.

704.D. Signs on Walls. A freestanding sign may be attached to a decorative masonry or stone wall with a maximum height of 6 feet and a maximum length of 12 feet, without being regulated by the wall setback regulations of this Ordinance and with the wall itself not counting towards the maximum sign area.

705. **ABANDONED OR OUTDATED SIGNS.** Signs advertising a use no longer in existence (other than a sign relating to a building that is clearly temporarily vacant and being offered to new tenants or for purchase) shall be removed within 180 days of the cessation of such use.

706. **LOCATION OF SIGNS.** The following shall regulate the location of signs:

706.A. Setbacks.

1. All signs shall be setback a minimum of 10 feet from the existing street right-of-way, and shall not be located within the existing street right-of-way.
2. A freestanding illuminated sign for a commercial or industrial business shall not be located within 10 feet of an abutting lot line of residential lot.
3. These setbacks shall not apply to Official Signs, Nameplate Signs, Public Service Signs and Directional Signs.

706.B. Sight Clearance. No sign shall be so located that it interferes with the sight clearance requirements of Section 803.

706.C. Off-Premises. No signs except permitted Off-Premise, Official, Political or Public Service Signs shall be erected on a property to which it does not relate. A Major Development Sign may be located on one lot in a subdivision to advertise uses throughout the subdivision.

706.D. Permission of Owner. No sign shall be posted on any property or sign pole or public utility pole, unless permission has been received by the owner.

706.E. Utility Poles. No sign shall be attached to a utility pole using metal fasteners, except by a utility or government agency.

707. **ILLUMINATION OF SIGNS.** See "Light and Glare Control" in Article 5.

708. **VEHICLES FUNCTIONING AS SIGNS.** Any vehicle, trailer or structure to which a sign is affixed in such a manner that the carrying of such sign(s) no longer is incidental to the primary purpose of the vehicle, trailer or structure but instead becomes a primary purpose in itself shall be considered a freestanding sign and shall be subject to all of the requirements for freestanding signs in the district in which such vehicle, trailer or structure is located.

709. **PROHIBITED SIGNS.** The following prohibitions on signs shall apply in all zoning districts:

- 709.A. Any moving object used to attract attention to a commercial use is prohibited. However, certain flags and banners may be allowed as provided in Section 703.
- 709.B. Flashing, blinking, twinkling, animated or moving signs of any type are prohibited. Signs may change their message from time to time provided that each message is visible for at least 10 seconds, except time and temperature signs may change more frequently.
1. In addition, flashing lights visible from a street shall not be used to attract attention to a business. This restriction specifically includes window signs, but does not prohibit Christmas lighting or displays, within Section 703.
- 709.C. Signs which emit smoke, visible vapors or particles, sound or odor are prohibited.
- 709.D. Signs which contain information that states that a lot may be used for a purpose not permitted under this Ordinance are prohibited.
- 709.E. Signs that are of such form, shape or color that they resemble an official traffic sign, signal or device or that have any characteristics which are likely to confuse or distract the operator of a motor vehicle on a public street (such as prominent use of the words "Danger") are prohibited.
- 709.F. Signs or displays visible from a lot line that include words or images that are obscene or pornographic are prohibited.
- 709.G. Balloons of greater than 25 cubic feet that are tethered to the ground or a structure for periods of over a day and that are primarily intended for advertising purposes are prohibited.
- 709.H. Floodlights and outdoor lasers for advertising purposes.
710. **CONSTRUCTION OF SIGNS.** Every permanent sign permitted in this section shall be constructed of durable materials and shall be kept in good condition and repair. The Zoning Officer shall by written notice require a property owner or lessee to repair or remove a dilapidated or unsafe sign within a specified period of time. If such order is not complied with, the Township may repair or remove such sign at the expense of such owner or lessee.
711. **MEASUREMENT AND MAJOR TYPES OF SIGNS.**
- 711.A. Sign Definitions. The following definitions shall be used in determining whether signs meet the measurement and type requirements of this Article:
1. Building Face. The vertical area of a particular side of a building, but not including the area of any slanted roof.
  2. Freestanding Sign. A sign which is self-supporting upon the ground or which is primarily supported by poles attached to the ground and not primarily supported by a building.
  3. Height of Sign. The vertical distance measured from the average ground level surrounding a sign to the highest point of the sign and its supporting structure. Religious symbols, when not accompanied by lettering, shall not be restricted by the sign heights of this Article when attached to a tower or spire of a place of worship.

4. Illuminated Sign, Internally. A sign illuminated by light from within the sign rather than a source adjacent to or outside of the sign. A sign within a display case with lights only shining onto the front of the sign shall be considered to be "externally" illuminated.
  5. Off-Premise Sign. See Article 2.
  6. Sign. See Article 2.
  7. Wall Sign. A sign primarily supported by or painted on a wall of a building and which does not project more than 2 feet from such wall.
  8. Window Sign. A sign which is readily visible and can be at least partially read from an exterior lot line and which is attached to a window or transparent door or that can be read through a window or transparent door.
- 711.B. Measurement of Sign area.
1. Sign area shall include all lettering, wording and accompanying designs and symbols, together with related background areas on which they are displayed. One "freestanding sign" may include several signs that are all attached to one structure, with the total "sign area" being the area of a common geometric form that could encompass all signs.
  2. The sign area shall not include any structural supports that do not include a message.
  3. Where the sign consists of individual letters or symbols attached to or painted directly on a building or window, other than an illuminated background that is a part of the sign, the sign area shall be the smallest rectangle that includes all of the letters and symbols.
  4. The maximum sign area of sign shall be for each of two sides of a sign, provided that only one side of a sign is readable from any location.
  5. Unless otherwise specified, all square footages in regards to signs are maximum sizes.

712. **OFF-PREMISE SIGNS (Including Billboards).**

- 712.A. Purposes. Off-premise signs are controlled by this Ordinance for the following purposes, to: ensure that a physical environment is maintained that is attractive to desirable types of development, especially light industrial and office parks; prevent visual pollution in the Township and protect property values, especially in consideration of the fact that most commercial areas of the Township are within close proximity to existing residences; prevent glare on adjacent property and streets; avoid the creation of additional visual distractions to motorists, especially along busy arterial streets that involve complex turning movements and numerous traffic hazards; recognize the numerous alternative forms of free speech available in the Township, including existing nonconforming off-premise signs, on-premise signs and temporary signs and printed and electronic media; carry out the purposes listed in Section 701.
- 712.B. Nonconforming Off-Premise Signs. This section is not intended to require the removal of an existing lawfully-placed off-premise sign that is in structurally sound condition.
- 712.C. PennDOT Sign. Signs erected and maintained by PennDOT are permitted by right in all Districts.
- 712.D. Permitted Off-Premise Signs. An off-premise sign is only permitted if it meet the following requirements:
1. District. An off-premise sign is only permitted in the LIC and GC Districts.
  2. Location. An off-premise sign shall be setback a minimum of 25 feet from all lot lines and street rights-of-way.
  3. Maximum Sign Area. 300 square feet.

4. Spacing. Any off-premise sign shall be separated by a minimum of 1,500 feet from any other off-premise sign, including signs on either side of a street and including existing signs in other municipalities. No lot shall include more than 1 off-premise sign, except as allowed in subsection 6 below.
5. Maximum Height. 35 feet above the elevation of the adjacent street, measured at the street centerline.
6. Attached. No off-premise sign or sign face shall be attached in any way to any other off-premise sign, except that a sign may have two sign faces of 300 square feet each provided the angle between the signs does not exceed 45 degrees.
7. Control of Lighting and Glare. See standards in Section 507. Lights shall be directed so they do not shine into the eyes of motorists nor residents of homes.
8. Residences. No off-premise sign greater than 10 square feet in sign area shall be located within 200 feet of an existing dwelling.
9. Condition. The sign shall be maintained in a good and safe condition, particularly to avoid hazards in high winds. The area around the sign shall be kept free of debris. If the message of a sign is no longer intact, it shall be replaced with a solid color or a “for lease” sign.
10. Construction. The applicant shall provide written certification from a qualified professional that an off-premises sign with a sign area greater than 10 square feet in sign area has been constructed and installed to meet the sign provisions of the latest published version of the National Building Code or its successor building code.

#### 713. **MAJOR DEVELOPMENT SIGNS.**

- 713.A. If a subdivision or land development is approved to include over 20 dwelling units or 4 or more business lots, then an additional sign shall be permitted at each entrance to the project from exterior public streets. Such sign may have two sign faces on one structure, or one sign face on each structure on each side of the entrance.
- 713.B. Residential Development Signs. Each such sign shall have a maximum sign area of 32 square feet. Such signs shall have a maximum total height of 8 feet. The sign may be attached to a stone or decorative masonry wall or fence constructed of wood or materials with a similar appearance. In such case, the wall or fence shall have a maximum total height of 8 feet and a maximum length of 12 feet.
- 713.C. Business Development Signs. A Major Development Sign may be located on one lot in a subdivision to advertise uses throughout the subdivision and the name of the development. Each sign shall have a maximum sign area of 10 square feet for each lot within the subdivision, up to a maximum of 100 square feet. The sign shall have a maximum total height of 20 feet.
  1. A maximum of Major Development Sign may be located outside of the boundaries of the subdivision along an entry road to the subdivision if the subject property owner provides written permission and the sign will be within a commercial or industrial district.
  2. In addition, an existing lawful off-premises sign may be replaced with a new Major Development Sign provided that the new sign does not exceed any dimensions of the existing sign.
- 713.D. The applicant shall prove to the Zoning Officer that the signs will be of durable construction that requires little maintenance. Such sign shall not be illuminated. Attractive low-maintenance landscaping shall surround the sign.

## **ARTICLE 8**

### **GENERAL REGULATIONS**

801. **FRONTAGE ONTO IMPROVED STREETS; NUMBER OF USES OR BUILDINGS; MINIMUM SIZE OF DWELLINGS.**

801.A. Frontage Required onto Improved Street. Each proposed new lot, each land development and each proposed principal building shall be on a lot which directly abuts a public street, a street proposed to be dedicated to the Township by the subdivision plan which created or creates such lot, or a private street which meets all of the requirements of the Township Subdivision and Land Development Ordinance. In the case of townhouses, manufactured/mobile home park, or apartments, each unit may have access onto a parking court which then has access onto a public or private street meeting Township standards.

1. If a new principal building is proposed to be constructed or placed on a lot that abuts a private street(s), and the lot does not have access onto a public street, then as a condition of the permit, the lot owner shall be required to improve the segments of the private street(s) that directly abut the lot. Such improvements shall result in a minimum compacted depth of the street of 8 inches of crushed stone, shale or bank run gravel or other Township approved surface, which shall be leveled. Such surface shall have a minimum width of 12 feet.

801.B. Number of Principal Uses and Principal Buildings Per Lot.

1. A lot in a commercial or industrial district may include more than one permitted principal use per lot and/or more than one permitted principal building per lot, provided that all of the requirements are met for each use and each building. If differing dimensional requirements apply for different uses on the lot, then the most restrictive requirement shall apply.
  - a. For example, if Use One requires a one acre lot area and Use Two on the same lot requires a two acre lot area, then the lot shall have a minimum lot area of two acres.
  - b. The applicant shall submit a site plan that demonstrates that each structure would meet the requirements of this Ordinance.
  - c. The uses and buildings shall be in common ownership. However, a condominium form of ownership of individual buildings, with a legally binding property-owners association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Township Solicitor, that there will be appropriate legal mechanisms in place.
2. A lot within a residential district shall not include more than one principal use and shall not include more than one principal building unless specifically permitted by this Ordinance.
  - a. A manufactured/mobile home park, condominium residential development or apartment development may include more than one principal building per lot, provided all other requirements of this Ordinance are met. A condominium form of ownership of individual dwelling units, with a legally binding homeowners association, may be established if the applicant proves to the satisfaction of the Zoning Officer, based upon review by the Township Solicitor, that there will be appropriate legal mechanisms in place and

compliance with applicable State law.

- 801.C. Minimum Size of Dwellings. Each dwelling unit shall include a minimum of 600 square feet of enclosed habitable, indoor, heated floor area, and which shall be primarily above the ground level.
- 801.D. Maximum Occupancy. No recreational vehicle shall be occupied on a lot for more than 30 days in a calendar year, except as may be approved within a campground with suitable central water and sewage service. No mobile/manufactured home shall be occupied on a lot as a dwelling unless it meets all of the requirements for a dwelling.
802. **HEIGHT EXCEPTIONS.** The maximum structure height specified for each district shall not apply to: antenna that meet the requirements of this Ordinance, water towers, clock or bell towers, steeples of places of worship, electrical transmission lines, elevator shafts, windmills, skylights, chimneys or other appurtenances usually required to be and customarily placed above the roof level and not intended for human occupancy. See also definition of "Height" in Section 202.
803. **SPECIAL LOT AND YARD REQUIREMENTS, SIGHT DISTANCE AND BUFFER YARDS.**
- 803.A. In General.
1. No lot, structure or use shall be created or developed in such a way that it would result in another lot, building or use not being able to meet the requirements of this Ordinance. This includes, but is not limited to: setback areas, non-impervious areas and off-street parking areas.
  2. Emergency Access. All uses and structures shall have adequate provisions for access by emergency vehicles and fire ladders.
- 803.B. Exceptions to Minimum Lot Areas, Lot Widths and Yards.
1. Corner Lots. For a corner lot, the minimum side yard depth abutting a public street shall be equal to the minimum depth of the front yard.
  2. Projections Into Required Yards.
    - a. Cornices, eaves, sills or other similar architectural features, exterior stairways, fire escapes or other required means of egress, rain leads, chimneys, "Bilko"-type doors for basement access, window awnings, chaise for heating pipes or other similar structures that do not include space usable by persons may extend or project into a required yard not more than 3 feet, except as may be required within a drainage or utility easement.
    - b. Steps, stoops, fire escapes, handicapped ramps, and landings necessary to provide entrance to a building may be located within a required setback area.
- 803.C. Sight Clearance at Intersections. The applicable provisions of the Township Subdivision and Land Development Ordinance shall apply, regardless of whether an application is a subdivision or a land development. (Note - As of the adoption date of this Ordinance, such provisions were in Section 98-38 of such ordinance.)
- 803.D. Buffer Yards. Buffer yards and screening complying with the following standards shall be required under the following situations. These buffer yard standards shall supersede the buffer planting requirements of the Subdivision and Land Development Ordinance.

1. Buffer Yard Width, When Required. Buffer yards shall have a minimum width of 20 feet, unless a larger width is required by another provision of this Ordinance. This buffer yard width shall be increased to a minimum of 50 feet along a rear yard if the lot had a depth of greater 300 feet of commercial zoning at the time of the adoption of this Ordinance. Buffer yards shall primarily include evergreen plants screening and shall be required in the following situations, and where otherwise required by this Ordinance:

Buffer Yard to be Provided by the Following:	When the Use Providing the Screening and Buffer Is:
<p>a. Along side and rear lot lines of any newly developed or expanded:</p> <ul style="list-style-type: none"> <li>(1) principal commercial or industrial use,</li> <li>(2) area of 4 or more new off-street parking spaces,</li> <li>(3) an outdoor industrial storage or loading area, or</li> <li>(4) an area routinely used for the overnight parking of 2 or more tractor-trailer trucks.</li> </ul>	<p>Abutting or across an alley from an existing dwelling within a residential district, and visible from such dwelling. OR</p> <p>Abutting an occupied existing primarily residential use, regardless of whether the dwelling is within a residential district.</p>
<p>b. Along front lot lines of any newly developed or expanded:</p> <ul style="list-style-type: none"> <li>(1) outdoor industrial storage or loading area,</li> <li>(2) area routinely used for the overnight parking of 2 or more tractor-trailer trucks, or</li> <li>(3) area of 4 more new off-street parking spaces.</li> </ul>	<p>Abutting and visible from a public street</p>

2. Location of Buffer Yards.

- a. The buffer yard shall be measured from the district boundary line, street right-of-way line or lot line, whichever is applicable.
- b. Plants needed for the visual screen shall not be placed within an existing street right-of-way. However, deciduous trees may be permitted by the Township to be placed within a street right-of-way.



- c. The buffer yard may include areas within a required front, side or rear yard, or a paved area setback area provided the larger yard requirement shall apply in case of overlap.

3. Characteristics of Buffer Yards.

- a. The buffer yard shall be a landscaped area free of structures, dumpsters, commercial or industrial storage or display, manufacturing or processing activity, materials, loading and unloading areas or vehicle parking or display.
- b. As a special exception use, the applicant may prove to the satisfaction of the Zoning Hearing Board that an alternative method of screening will satisfactorily avoid conflicts between uses and provide an attractive appearance. For example, the Board may approve a decorative brick wall to be placed between a loading area and an abutting street.
- c. Fence. Any fence in a buffer yard shall be placed on the inside of any required plant screening.
- d. A well or septic system may be placed within a buffer yard, provided the landscaping provisions are still met.

4. Plant Screen.

- a. Each buffer yard shall include a planting screen of trees or shrubs extending the length of the lot line.
- b. Each planting screen shall meet the following requirements:
  - (1) Plant materials needed to form the visual screen shall have a minimum height when planted of 3 feet. In addition, an average of 1 deciduous shade tree, with a minimum trunk diameter of 2 inches measured 6 inches above the ground level, shall be placed for each 50 feet of length of the buffer yard. The shade trees may be clustered or spaced unevenly.
  - (2) Plants needed to form the visual screen shall be of such species, spacing and size as can reasonably be expected to produce within 3 years a mostly solid year-round visual screen at least 6 feet in height. However, where appropriate to provide security and oversight of a parking area from a street, species of plants shall be used that have a shorter mature height, and such plants should be trimmed to a maximum height of 3 to 4 feet.
  - (3) The plant screen shall be placed so that at maturity the plants will not obstruct a street or sidewalk.
  - (4) The plant visual screen shall be interrupted only at: a) approved points of approximately perpendicular vehicle or pedestrian ingress and egress to the lot, b) locations necessary to comply with safe sight distance requirements, and c) locations needed to meet other specific State, Township and utility requirements.
  - (5) American Arborvitae and similar weak-stem plants shall not be used to meet the buffer yard requirements.
  - (6) Evergreen trees should be planted at diagonal off-sets so that there is room for future growth of the trees.

5. Buffer Yard Plans.

- a. Prior to the issuance of a permit under this Ordinance where a buffer yard would be required, and on any required subdivision or land development plan, the applicant shall submit plans showing:
  - (1) the location and arrangement of each buffer yard,
  - (2) the placement, general selection of species and initial size of all plant materials, and
  - (3) the placement, size, materials and type of all fences to be placed in such buffer yard.
- b. If more than 20 evergreen plants are proposed, no more than 50 percent shall be of one species.
- c. See Section 804.F. concerning Planning Commission review and Zoning Officer approval.

804. LANDSCAPING.

804.A. Any part of a commercial, industrial, institutional or apartment lot which is not used for structures, loading areas, parking spaces and aisles, sidewalks and designated storage areas shall be provided with an all-season, well-maintained vegetative groundcover, and shall be landscaped with trees and shrubs. Landscaped areas shall be kept free of debris, rubbish and noxious weeds.

804.B. See also the buffer yard provisions in Section 803.

804.C. Street Trees. As part of the creation of a new lot or the construction of a new principal non-residential building, or development of parking area for 6 or more parking spaces, deciduous shade street trees shall be planted between such lot lines, building and/or parking area and any adjacent public street(s).

1. Number. A minimum average of one such tree shall be planted for each 50 feet of length of street right-of-way around the lot.
2. Location. Where permitted by the Township and/or PennDOT, such trees shall be placed within the street right-of-way. If planting within the street right-of-way is not approved, then such trees shall be planted with the trunk on private property immediately outside of the street right-of-way or an alternative location acceptable to the Board of Supervisors.
3. Ordinance. Such street trees shall be planted in a manner approved by the Township Engineer to avoid conflicts with sidewalks and utilities.
4. Buffer. Where shade trees may be required under the buffer yard provisions, the same tree may be used to count towards both requirements.
5. Existing Trees. Along street segments where existing healthy street trees will be preserved and protected during construction, new street trees shall not be required.

804.D. Parking Lot Landscaping.

1. One deciduous tree shall be required for every 15 new off-street parking spaces.
2. If a lot will include 30 or more new parking spaces, landscaped islands shall be provided within automobile parking areas. Otherwise, the trees may be planted around the parking area.
3. Trees required by this section shall meet the following standards:
  - a. Type of Trees Permitted. Required trees shall be chosen from the following list of approved street trees, unless the applicant proves to the satisfaction of the Zoning Officer that another type of tree would shade paved areas, be resistant to disease, road salt and air pollution and be attractive.

**TYPES OF DECIDUOUS TREES PERMITTED TO MEET ORDINANCE REQUIREMENTS**

Acer rubrum - Red Maple	Quercus - All species of oaks
Acer saccharum - Sugar Maple	Sophora japonica - Scholar Tree/Pagoda Tree
Celtis occidentalis - Common Hackberry	Tilia americana - American Linden
Fagus sylvatica - European Beech	Tilia cordata - Little Leaf Linden
Fraxinus americana - White Ash	Tilia euchlora - Crimean Linden
Fraxinus pennsylvanica - Green Ash	Tilia petiolaris - Silver Linden
Ginkgo biloba fastigiata - Maiden Hair Tree (male only; female has noxious odor)	Ulmus hybrids - Homestead or Sapporo Autumn Gold
Gleditsia triacanthos - Thornless Locust	Ulmus parviflora - Chinese or Lacebark Elm, not including Siberian Elm
Liquidambar styraciflua - Sweet Gum	Zelkova serrata - Zelkova
Liriodendron tulipifera - Tulip Poplar	

Note- This ordinance only regulates the species of trees that are used to meet requirements of the Township. The species of trees that are not required by Township ordinances are not regulated.

- b. Quality of Trees. Required trees shall be of symmetrical growth and free of insect pests and disease.
- c. Minimum Size. The trunk diameter (measured at a height of 6 inches above the finished grade level) shall be a minimum of 2 inches or greater.
- d. Planting and Maintenance. Required trees shall be:
  - (i) planted in conformance with good landscaping practices, with adequate unpaved surface around each for water and air, and
  - (ii) properly protected by curbs, curbstops, distance or other devices from damage from vehicles.

804.E. Landscaping Maintenance. All shade tree, buffer yard and other landscaping required by this Ordinance shall be perpetually maintained by the property-owner. Any landscaping needed to meet an Ordinance requirement that dies, is removed, or is severely damaged shall be replaced by the current property-owner, on a one-to-one basis, as soon as is practical considering growing seasons, within a maximum of 150 days.

804.F. Review and Approval. Where landscaping is required by this Ordinance, the applicant shall submit a landscaping plan, in addition to a site plan, showing proposed initial sizes, locations and species of plantings.

## 805. NONCONFORMITIES.

805.A. Proof and Registration of Nonconformities. It shall be the responsibility of, with the burden of proof upon, a party asserting a nonconformity to provide the evidence that it is lawful. A property owner may request a written statement of nonconformity from the Zoning Officer after providing sufficient evidence.

805.B. Continuation of Nonconformities.

1. A lawful nonconforming use, structure or lot as defined by this Ordinance may be continued and may be sold and continued by new owners.
2. Any expansion of, construction upon or change in use of a nonconformity shall only occur in conformance with this section.
3. If an existing use was not lawfully established, it shall not have any right to continue as a nonconforming use.

805.C. Expansion of or Construction Upon Nonconformities. The following shall apply, unless the structure is approved under Section 805.D.

1. Nonconforming Structure.
  - a. The Zoning Officer shall permit a nonconforming structure to be reconstructed or expanded provided:

- (1) that such action will not increase the severity or amount of the nonconformity (such as the area of the building extending into the required yard) or create any new nonconformity, and
  - (2) that any expanded area will comply with the applicable setbacks in that District and other requirements of this Ordinance.
- b. In the case of a nonconforming structure which is used by a nonconforming use, any expansion shall also meet the requirements of this Section regarding nonconforming uses.

2. Nonconforming Lots.

- a. Permitted Construction on a Nonconforming Lot. A single permitted by right principal use and its customary accessory uses may be constructed, reconstructed or expanded on a nonconforming lot provided all of the following additional requirements are met:
  - (1) Within the RS district, the additional requirements of Section 308 shall apply;
  - (2) The lot must be a lawful nonconforming lot of record;
  - (3) Minimum setback requirements shall be met;
  - (4) State and Federal wetland regulations shall be met;
  - (5) The septic and well requirements of Section 309 shall be met; and
  - (6) If the lot has a lot area of less than one acre, then the lot area shall not be less than 50 percent of the area that would otherwise be required.

b. Lot Width. The fact that an existing lawful lot of record does not meet the minimum lot width requirements of this Ordinance shall not by itself cause such lot to be considered to be a nonconforming lot.

3. Expansion of a Nonconforming Non-Residential Use. A non-conforming use or a building used by a nonconforming use shall not be expanded, except in accordance with the following provisions:

- a. An expansion of more than 10 percent in total building floor area shall require special exception approval from the Zoning Hearing Board under Article 1.
- b. Such reconstruction or expansion shall be only upon the same lot that the nonconforming use was located upon at the time the use became nonconforming.
- c. The 1) total building floor area used by a nonconforming use or the 2) total land area covered by the nonconforming use, whichever is more restrictive, shall not be increased by greater than 50 percent beyond what existed in the nonconforming use at the time the use first became nonconforming.
  - (1) The above maximum increase shall be measured in aggregate over the entire life of the nonconformity. All expansions of the nonconforming use and/or building(s) that occurred since the use originally became nonconforming shall count towards the above maximum increase.
- d. Any expansion of a nonconforming use shall meet the required setbacks and other requirements of this Ordinance, unless the Zoning Hearing Board grants a variance.

4. Expansion of a NonConforming Residential Use. An existing non-conforming residential use may be expanded as a permitted by right use provided that: a) the number of dwelling units or rooming house units are not increased, b) the expansion meets all applicable setbacks, c) no new types of nonconformities are created and d) a nonconformity is not made more severe. Changes in dwellings within a Mobile/Manufactured Home Park shall be regulated by Section 402.A.
5. Nonconforming Sign. The provisions of this Ordinance shall not be interpreted to provide a right to expand or extend a nonconforming sign. Instead, any expansions or extensions of a nonconforming sign shall comply with this Ordinance.

805.D. Damaged or Destroyed Nonconformities. A nonconforming structure that has been destroyed or damaged may be rebuilt in a nonconforming fashion only if: a) the application for a building permit is submitted within 18 months after the date of damage or destruction, b) work begins in earnest within 12 months afterwards and continues, and c) no nonconformity may be created or increased by any reconstruction. The property shall be properly secured during such time in such a way to keep out trespassers and to avoid harm to neighboring properties.

805.E. Abandonment of a Nonconformity.

1. If a nonconforming use of a building or land is discontinued, razed, removed or abandoned for 12 or more months, subsequent use of such building or land shall conform with the regulations of the district in which it is located, except:
  - a. as provided for in the "Damaged or Destroyed Nonconformities" provisions of this section.
2. The applicant shall be responsible to provide evidence that the nonconformity was not abandoned.
3. An existing lawful separate dwelling unit may be unrented for any period of time without being considered "abandoned" under this Ordinance.

805.F. Changes from One Nonconforming Use to Another.

1. Once changed to a conforming use, a structure or land shall not revert to a nonconforming use.
2. A nonconforming use may be changed to a different nonconforming use only if approved as a Special Exception by the Zoning Hearing Board. However, Special Exception approval is not needed for a simple change within an existing building from one lawful nonconforming retail store use to another retail store use or from one lawful nonconforming personal service use to another personal service use provided that the new use complies with any Zoning Hearing Board conditions that applied to the previous use and is not more objectionable in external effects than the previous use.
3. Where special exception approval is required for a change of a nonconforming use, the Board shall determine whether the applicant has provided sufficient proof to show that the proposed new use will be equal or less objectionable in external effects than the pre-existing nonconforming use with regard to:
  - a. Traffic safety and generation (especially truck traffic),
  - b. Noise, dust, fumes, vapors, gases, odor, glare, vibration, fire, hazardous substances, and explosive hazards,
  - c. Amount and character of outdoor storage,

- d. Hours of operation if the use would be close to dwellings and
- e. Compatibility with the character of the surrounding area.

4. A nonconforming use shall not be changed to a nonconforming Adult Use.

805.G. District Changes. Any uses, structures or lots that become nonconforming because of a zoning district change shall be regulated under this Section on nonconformities.

**806. DUMPSTER SCREENING AND LOCATION.**

806.A. Any newly placed solid waste dumpster shall be screened on at least 3 of 4 sides as necessary to screen views from public streets and dwellings.

806.B. Such screening shall consist of decorative masonry walls, mostly solid weather-resistant wood fencing, fencing of a similar appearance, or primarily evergreen plantings.

806.C. Setback from Dwellings. To the maximum extent feasible, as determined by the Zoning Officer, an outdoor solid waste container with a capacity of over 15 cubic feet shall be kept a minimum of 20 feet from the walls of a dwelling on an abutting lot.

806.D. If a solid waste dumpster is moved from one part of a lot to another part of a lot, then it shall come into compliance with this Section 806.

806.E. This section shall not apply to dumpsters temporarily placed during actual construction or demolition on the premises. Outdoor bulk containers over over 15 cubic feet capacity for the storage of cardboard or paper for recycling shall still be screened, but shall not be required to meet the setback requirements of Section 806.C.

**807. MINIMUM SETBACKS FROM EXISTING STREETS.**

807.A. Where a front, side or rear yard would abut an existing street, then such yard shall be measured from the following minimum distances from the centerline of the street right-of-way:

- 1. 40 feet from the centerline of an arterial street,
- 2. 25 feet from the centerline of a collector or local street,
- 3. 15 feet from the centerline of an alley, private access street or any other street.

807.B. Applicants are strongly encouraged to dedicate such area to PennDOT or the Township for future street widenings and utility and stormwater improvements. If such area is not accepted for current dedication, then the approved plan should state that it is reserved for future dedication at such time as PennDOT or the Township may determine that the area is needed.

807.C. No building, fence or other structure (except for mailboxes, utility poles and similar structures typically found within a right-of-way) shall be placed within the setback required by Section 807.A.

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